

2SHB 2782 - S COMM AMD

By Committee on Human Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that
4 low-income families and individuals often face significant barriers to
5 receiving the services and benefits that they are qualified to receive.
6 These services are essential to meeting individuals' basic needs, and
7 provide critical support to low-income individuals who are working or
8 who have disabilities that prevent them from working. The legislature
9 further finds that each year millions of federal dollars go unclaimed
10 due to underutilization of benefits such as tax credits, health care
11 coverage, and food support.

12 (2) The legislature also finds that access to education and
13 training gives low-income individuals and families the opportunity to
14 acquire the skills they need to become successfully employed and attain
15 self-sufficiency.

16 (3) The legislature finds that state agencies have been engaged in
17 an effort to implement an online benefit portal to simplify and
18 streamline access to state, federal, and local benefits that include a
19 broad array of public benefits. The legislature also finds that
20 agencies have been engaged in efforts to increase access to training
21 and education for recipients of federal food assistance.

22 (4) The legislature therefore intends to strengthen existing
23 efforts by providing enhanced structure and direction to ensure that a
24 strong partnership among colleges, state agencies, community partners,
25 and philanthropy be established. The legislature also intends to
26 provide an efficient, effective, integrated approach to the delivery of
27 basic support services and education and training programs. The
28 integrated approach should include the creation of a one-stop-shop,
29 online benefits portal where individuals can apply for a broad array of

1 services, including public benefits and education and training support,
2 and the expansion of the food stamp employment and training program.

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

5 OPPORTUNITY PORTAL. (1) An online opportunity portal shall be
6 established to provide the public with more effective access to
7 available state, federal, and local services. The secretary of the
8 department of social and health services shall act as the executive
9 branch sponsor of the portal planning process. Under the leadership of
10 the secretary, the department shall:

11 (a) Identify and select an appropriate solution and acquisition
12 approach to integrate technology systems to create a user-friendly
13 electronic tool for Washington residents to apply for benefits;

14 (b) Facilitate the adaptation of state information technology
15 systems to allow applications generated through the opportunity portal
16 and other compatible electronic application systems to seamlessly link
17 to appropriate state information systems;

18 (c) Ensure that the portal provides access to a broad array of
19 state, federal, and local services, including but not limited to:
20 Health care services, higher education financial aid, tax credits,
21 civic engagement, nutrition assistance, energy assistance, family
22 support, and disability lifeline benefits as defined in sections 4
23 through 13 of this act;

24 (d) Design an implementation strategy for the portal that maximizes
25 collaboration with community-based organizations to facilitate its use
26 by low-income individuals and families;

27 (e) Provide access to the portal at a wide array of locations
28 including but not limited to: Community or technical colleges,
29 community college campuses where community service offices are
30 colocated, community-based organizations, libraries, churches, food
31 banks, state agencies, early childhood education sites, and labor
32 unions;

33 (f) Ensure project resources maximize available federal and private
34 funds for development and initial operation of the opportunity portal.
35 Any incidental costs to state agencies shall be derived from existing
36 resources. This subsection does not obligate or preclude the
37 appropriation of future state funding for the opportunity portal;

1 (g) Determine the solution and acquisition approach by June 1,
2 2010.

3 (2) By December 1, 2011, and annually thereafter, the department of
4 social and health services shall report to the legislature and
5 governor. The report shall include data and information on
6 implementation and outcomes of the opportunity portal, including any
7 increases in the use of public benefits and increases in federal
8 funding.

9 (3) The department shall develop a plan for implementing paperless
10 application processes for the services included in the opportunity
11 portal with a goal of achieving the transition by July 1, 2012. The
12 plan must comply with federal statutes and regulations. The department
13 shall provide this plan to the relevant legislative committees by
14 November 15, 2011.

15 (4) To the extent that the department enters into a contractual
16 relationship to accomplish the purposes of this section, such contract
17 or contracts shall be performance-based.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW
19 to read as follows:

20 FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM. (1) The department,
21 the employment security department, and the state board for community
22 and technical colleges shall work in partnership to expand the food
23 stamp employment and training program. Subject to federal approval,
24 the program shall be expanded to three additional community colleges in
25 2010 and shall expand capacity at participating colleges. To the
26 greatest extent possible, expansion shall be geographically diverse.
27 The agencies shall:

28 (a) Identify and seek out partnerships with community-based
29 organizations that can provide support services and case management to
30 participants through performance-based contracts in the food stamp
31 employment and training program, and do not replace the positions or
32 work of department employees;

33 (b) Identify eligible nonfederal matching funds to draw down the
34 federal match for food stamp employment and training services.
35 Matching funds may include: Local funds, foundation grants, employer-
36 paid costs, and the state allocation to community and technical
37 colleges.

1 (2) Employment and training funds may be allocated for:
2 Educational programs to develop skills for employability, vocational
3 education, English as a second language courses, adult basic education,
4 GED courses, remedial programs, job readiness training, case
5 management, intake, assessment, evaluation, and barrier removal and
6 support services such as tuition, books, child care, transportation,
7 housing, and counseling services.

8 (3) The department shall annually track and report outcomes
9 including those achieved through performance-based contracts as
10 follows: Federal funding received, the number of participants served,
11 achievement points, the number of participants who enter employment
12 during or after participation in the food stamp employment and training
13 program, and the average wage of jobs attained. The report shall be
14 submitted to the governor and appropriate committees of the legislature
15 on November 1st of each year, beginning in 2010.

16 (4) For purposes of this section, "food stamp employment and
17 training program" refers to a program established and administered
18 through the employment security department and the department of social
19 and health services.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.04 RCW
21 to read as follows:

22 **DISABILITY LIFELINE ELIGIBILITY.** (1) To be eligible for the
23 disability lifeline program, a person must meet the following
24 requirements:

25 (a) Does not receive any federal aid assistance, other than basic
26 food benefits transferred electronically and medical assistance;

27 (b) Is not a member of an assistance unit receiving federal aid
28 assistance;

29 (c) Meets one of the following conditions:

30 (i) Is pregnant and in need, based upon the current income and
31 resource requirements of the federal temporary assistance for needy
32 families program; or

33 (ii) Is incapacitated from gainful employment by reason of bodily
34 or mental infirmity that will likely continue for a minimum of ninety
35 days as determined by the department;

36 (d) Is a citizen or alien lawfully admitted for permanent residence
37 or otherwise residing in the United States under color of law; and

1 (e) Has furnished the department his or her social security number.
2 If the social security number cannot be furnished because it has not
3 been issued or is not known, an application for a number shall be made
4 prior to authorization of assistance, and the social security number
5 shall be provided to the department upon receipt.

6 (2) The following persons are not eligible for the disability
7 lifeline program:

8 (a) Persons who are unemployable due primarily to alcohol or drug
9 addiction. These persons shall be referred to appropriate assessment,
10 treatment, shelter, or supplemental security income referral services
11 as authorized under chapter 74.50 RCW. Referrals shall be made at the
12 time of application or at the time of eligibility review; or

13 (b) Persons who refuse or fail to cooperate in obtaining federal
14 aid assistance, without good cause.

15 (3) For purposes of determining whether a person is incapacitated
16 from gainful employment under subsection (1) of this section:

17 (a) The department shall adopt by rule medical criteria for
18 disability lifeline incapacity determinations to ensure that
19 eligibility decisions are consistent with statutory requirements and
20 are based on clear, objective medical information; and

21 (b) The process implementing the medical criteria shall involve
22 consideration of opinions of the treating or consulting physicians or
23 health care professionals regarding incapacity, and any eligibility
24 decision which rejects uncontroverted medical opinion must set forth
25 clear and convincing reasons for doing so.

26 (4) Persons receiving disability lifeline benefits based upon a
27 finding of incapacity from gainful employment who remain otherwise
28 eligible shall have their benefits discontinued unless the recipient
29 demonstrates no material improvement in their medical or mental
30 condition. The department may discontinue benefits when there was
31 specific error in the prior determination that found the recipient
32 eligible by reason of incapacitation.

33 (5)(a) Persons found eligible for disability lifeline benefits
34 based on incapacity from gainful employment may, if otherwise eligible,
35 receive disability lifeline benefits pending application for federal
36 supplemental security income benefits. Any disability lifeline benefit
37 that is subsequently duplicated by the person's receipt of supplemental

1 security income for the same period shall be considered a debt due the
2 state and shall by operation of law be subject to recovery through all
3 available legal remedies.

4 (b) The department, directly or by performance-based contract,
5 shall review available medical evidence, functional assessments and
6 other relevant information to determine whether a disability lifeline
7 applicant or recipient is likely eligible for federal supplemental
8 security income benefits, with a goal of making this determination
9 within ninety days of each individual's initial application for
10 disability lifeline benefits. Individuals who are transitioned to
11 disability lifeline expedited benefits as a result of the review of
12 available information must be provided with assistance to obtain any
13 needed additional evidence of their disability expeditiously and to
14 successfully complete their application for supplemental security
15 income benefits. These individuals also should be transitioned to
16 medicaid coverage as appropriate. Beginning December 1, 2010, and
17 every six months thereafter, the department must report to the relevant
18 policy and fiscal committees of the legislature on their progress
19 towards meeting the ninety-day goal established in this subsection.

20 (6) No person may be considered an eligible individual for
21 disability lifeline benefits with respect to any month if during that
22 month the person:

23 (a) Is fleeing to avoid prosecution of, or to avoid custody or
24 confinement for conviction of, a felony, or an attempt to commit a
25 felony, under the laws of the state of Washington or the place from
26 which the person flees; or

27 (b) Is violating a condition of probation, community supervision,
28 or parole imposed under federal or state law for a felony or gross
29 misdemeanor conviction.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.04 RCW
31 to read as follows:

32 **DISABILITY LIFELINE PATHWAYS.** (1) A person who meets the
33 eligibility requirements in section 4 of this act and who has a drug or
34 alcohol addiction but is nevertheless incapacitated from gainful
35 employment by reason of bodily or mental infirmity must attend the
36 appropriate treatment program as designated by the department. If the
37 recipient participates in the treatment program, he or she is eligible

1 to receive a monthly stipend of fifty dollars and a voucher to pay for
2 housing with a vendor approved by the department. If the recipient
3 refuses to participate or does not complete the treatment program, the
4 recipient shall be ineligible for the cash stipend and the housing
5 voucher but the department may not terminate medical coverage or basic
6 food benefits.

7 (2) A person who meets the eligibility requirements in section 4 of
8 this act and is homeless shall enter a housing program as designated by
9 the department. If the recipient under this category participates in
10 this program, he or she shall be eligible for a cash stipend of fifty
11 dollars per month. If the recipient refuses to participate in the
12 housing program, the department shall terminate the cash stipend but
13 may not terminate medical coverage or basic food benefits. If a
14 housing program is not available, the recipient may receive a housing
15 voucher to use with a vendor approved by the department until a slot in
16 the housing program becomes available.

17 (3) A person who meets the eligibility requirements in section 4 of
18 this act and is neither homeless nor in need of treatment for a
19 secondary addiction to drugs or alcohol shall be eligible for a monthly
20 stipend of fifty dollars and a voucher to pay for housing with a vendor
21 approved by the department. If the person is terminated from the
22 program for reasons other than material improvement in the person's
23 condition or those set out in section 4(2) of this act, the department
24 shall not terminate medical coverage or basic food benefits.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.04 RCW
26 to read as follows:

27 REFERRAL TO THE DIVISION OF VOCATIONAL REHABILITATION. (1) The
28 economic services administration shall work jointly with the division
29 of vocational rehabilitation to develop an assessment tool which shall
30 be used to determine whether the programs offered by the division of
31 vocational rehabilitation could assist disability lifeline recipients
32 in returning to the work force. The assessment tool shall be completed
33 no later than December 1, 2010. The economic services administration
34 shall begin using the tool no later than January 1, 2011. No later
35 than December 30, 2011, the department shall report on the use of the
36 tool and to what extent the programs offered by the division of

1 vocational rehabilitation have been successful in returning disability
2 lifeline recipients to the work force.

3 (2) After January 1, 2011, all recipients of disability lifeline
4 benefits shall be assessed to determine whether they would likely
5 benefit from a program offered by the division of vocational
6 rehabilitation. If the assessment indicates that the recipient might
7 benefit, the economic services administration shall make a referral to
8 the division of vocational rehabilitation. If found eligible for a
9 program with the division of vocational rehabilitation, the recipient
10 must participate in that program to remain eligible for the monthly
11 stipend and housing voucher. If the recipient refuses to participate
12 or does not complete the program, the department shall terminate the
13 cash stipend and housing voucher but may not terminate medical coverage
14 and food benefits.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.04 RCW
16 to read as follows:

17 REFERRAL TO THE DEPARTMENT OF VETERANS AFFAIRS. During the
18 application process for disability lifeline benefits, the department
19 shall inquire of each applicant whether he or she has ever served in
20 the United States military service. If the applicant answers in the
21 affirmative, the department shall confer with a veterans benefit
22 specialist with the Washington state department of veterans affairs or
23 a contracted veterans service officer in the community to determine
24 whether the applicant is eligible for any benefits or programs offered
25 to veterans by either the state or the federal government.

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

28 DISABILITY LIFELINE MANAGED CARE TRANSITION PILOT PROJECT. (1) To
29 determine whether the efficiency and effectiveness of processes for
30 transitioning persons receiving disability lifeline benefits to
31 disability lifeline expedited benefits, and then to federal
32 supplemental security income benefits can be improved, the department
33 shall implement a pilot project in King, Pierce, and Spokane counties.
34 The pilot project shall be implemented through a performance-based
35 contract with a managed health care system providing medical care
36 services under RCW 74.09.035. In the design of the pilot project:

1 (a) The managed health care system shall be responsible for:

2 (i) Systematically screening persons receiving disability lifeline
3 benefits at the point of eligibility determination or shortly
4 thereafter;

5 (ii) Management of disability lifeline incapacity evaluation
6 examinations to provide timely access to needed medical and behavioral
7 health evaluations and standardizing health care providers' conduct of
8 incapacity evaluations;

9 (iii) Maintenance of a centralized appointment and clinical data
10 system; and

11 (iv) Assisting persons receiving disability lifeline benefits with
12 obtaining additional medical or behavioral health examinations needed
13 to meet the disability standard for disability lifeline expedited or
14 federal supplemental security income benefits and with submission of
15 applications for supplemental security income benefits.

16 (b) The department shall be responsible for:

17 (i) Determining incapacity and eligibility for disability lifeline
18 benefits;

19 (ii) Developing standardized procedures for sharing data and
20 information with the managed health care system to ensure timely
21 identification of clients who have not qualified for disability
22 lifeline expedited benefits within ninety days of application. This
23 should include but not be limited to providing access to data in the
24 department's predictive modeling database;

25 (iii) Including functional assessments in disability lifeline
26 expedited and federal supplemental security income consultative exams;

27 (iv) Providing case management and coordination of care, in
28 partnership with the managed health care system, to support persons'
29 transition to disability lifeline expedited and federal supplemental
30 security income benefits; and

31 (v) Identifying a savings determination methodology, in
32 consultation with the managed health care system, the office of
33 financial management, and the legislature, on or before implementation
34 of the project.

35 (2) The pilot project is authorized to operate for the period of
36 July 1, 2010, through June 30, 2013. If the savings associated with
37 more rapid transitions to disability lifeline expedited and federal

1 supplemental security benefits do not exceed the costs of the pilot
2 project by July 1, 2012, the department may terminate the project
3 before June 30, 2013.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 70.47 RCW
5 to read as follows:

6 BASIC HEALTH PLAN ENROLLMENT. In order to ensure continuity of
7 health care coverage and avoid deterioration in health status,
8 individuals who have lost eligibility for disability lifeline benefits
9 under section 4 of this act due to improvement in their health status
10 and who are eligible for subsidized basic health coverage shall be
11 given priority for enrollment in the basic health plan. If the
12 administrator closes or limits subsidized enrollment, to the extent
13 funding is available, the basic health plan must continue to accept and
14 process applications for subsidized enrollment from individuals
15 described in this section.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 70.96A
17 RCW to read as follows:

18 ACCESS TO CHEMICAL DEPENDENCY TREATMENT. If an assessment by a
19 certified chemical dependency counselor indicates a need for drug or
20 alcohol treatment, in order to enable a client to improve his or her
21 health status and transition from disability lifeline benefits to
22 employment, or transition to federal disability benefits, the client
23 must be given high priority for enrollment in treatment, within funds
24 appropriated for that treatment. However, first priority for receipt
25 of treatment services must be given to pregnant women and parents of
26 young children. This section expires June 30, 2013.

27 **Sec. 11.** RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each
28 amended to read as follows:

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

31 (1) "Public assistance" or "assistance"--Public aid to persons in
32 need thereof for any cause, including services, medical care,
33 assistance grants, disbursing orders, work relief, (~~general~~
34 ~~assistance~~) disability lifeline benefits and federal aid assistance.

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

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

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

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

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

13 ~~(i) Are not eligible to receive federal aid assistance, other than~~
14 ~~food stamps or food stamp benefits transferred electronically and~~
15 ~~medical assistance; however, an individual who refuses or fails to~~
16 ~~cooperate in obtaining federal aid assistance, without good cause, is~~
17 ~~not eligible for general assistance;~~

18 ~~(ii) Meet one of the following conditions:~~

19 ~~(A) Pregnant: PROVIDED, That need is based on the current income~~
20 ~~and resource requirements of the federal temporary assistance for needy~~
21 ~~families program; or~~

22 ~~(B) Subject to chapter 165, Laws of 1992, incapacitated from~~
23 ~~gainful employment by reason of bodily or mental infirmity that will~~
24 ~~likely continue for a minimum of ninety days as determined by the~~
25 ~~department.~~

26 ~~(C) Persons who are unemployable due to alcohol or drug addiction~~
27 ~~are not eligible for general assistance. Persons receiving general~~
28 ~~assistance on July 26, 1987, or becoming eligible for such assistance~~
29 ~~thereafter, due to an alcohol or drug related incapacity, shall be~~
30 ~~referred to appropriate assessment, treatment, shelter, or supplemental~~
31 ~~security income referral services as authorized under chapter 74.50~~
32 ~~RCW. Referrals shall be made at the time of application or at the time~~
33 ~~of eligibility review. Alcoholic and drug addicted clients who are~~
34 ~~receiving general assistance on July 26, 1987, may remain on general~~
35 ~~assistance if they otherwise retain their eligibility until they are~~
36 ~~assessed for services under chapter 74.50 RCW. Subsection~~
37 ~~(6)(a)(ii)(B) of this section shall not be construed to prohibit the~~
38 ~~department from granting general assistance benefits to alcoholics and~~

1 ~~drug addicts who are incapacitated due to other physical or mental~~
2 ~~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 temporary assistance for needy~~
21 ~~families 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) of this section,~~
30 ~~and will accept available services which can reasonably be expected to~~
31 ~~enable the person to work or reduce the need for assistance unless~~
32 ~~there is good cause to refuse. Failure to accept such services shall~~
33 ~~result in termination until the person agrees to cooperate in accepting~~
34 ~~such services and subject to the following maximum periods of~~
35 ~~ineligibility after reapplication:~~

36 ~~(i) First failure: One week;~~

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

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

1 ~~(d) — Persons — found — eligible — for — general — assistance — based — on~~
2 ~~incapacity from gainful employment may, if otherwise eligible, receive~~
3 ~~general — assistance — pending — application — for — federal — supplemental~~
4 ~~security income benefits. — Any general assistance that is subsequently~~
5 ~~duplicated by the person's receipt of supplemental security income for~~
6 ~~the same period shall be considered a debt due the state and shall by~~
7 ~~operation of law be subject to recovery through all available legal~~
8 ~~remedies.~~

9 ~~(e) 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 ~~(f) — 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 ~~(g) — Recipients — of — general — assistance — based — upon — a — finding — of~~
19 ~~incapacity from gainful employment who remain otherwise eligible shall~~
20 ~~have their benefits discontinued unless the recipient demonstrates no~~
21 ~~material — improvement — in — their — medical — or — mental — condition. — The~~
22 ~~department may discontinue benefits when there was specific error in~~
23 ~~the prior determination that found the recipient eligible by reason of~~
24 ~~incapacitation. — Recipients of general assistance based upon pregnancy~~
25 ~~who relinquish their child for adoption, remain otherwise eligible, and~~
26 ~~are — not — eligible — to — receive — benefits — under — the — federal — temporary~~
27 ~~assistance for needy families program shall not have their benefits~~
28 ~~terminated until the end of the month in which the period of six weeks~~
29 ~~following the birth of the recipient's child falls. — Recipients of the~~
30 ~~federal temporary assistance for needy families program who lose their~~
31 ~~eligibility — solely — because — of — the — birth — and — relinquishment — of — the~~
32 ~~qualifying child may receive general assistance through the end of the~~
33 ~~month in which the period of six weeks following the birth of the child~~
34 ~~falls.~~

35 ~~(h) No person may be considered an eligible individual for general~~
36 ~~assistance with respect to any month if during that month the person:~~

37 ~~(i) — Is fleeing to avoid prosecution of, — or — to — avoid — custody — or~~

1 ~~confinement for conviction of, a felony, or an attempt to commit a~~
2 ~~felony, under the laws of the state of Washington or the place from~~
3 ~~which the person flees; or~~

4 ~~(ii) Is violating a condition of probation, community supervision,~~
5 ~~or parole imposed under federal or state law for a felony or gross~~
6 ~~misdemeanor conviction.~~

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

10 ~~((8))~~ (7) "Recipient"--Any person receiving assistance and in
11 addition those dependents whose needs are included in the recipient's
12 assistance.

13 ~~((9))~~ (8) "Standards of assistance"--The level of income required
14 by an applicant or recipient to maintain a level of living specified by
15 the department.

16 ~~((10))~~ (9) "Resource"--Any asset, tangible or intangible, owned
17 by or available to the applicant at the time of application, which can
18 be applied toward meeting the applicant's need, either directly or by
19 conversion into money or its equivalent. The department may by rule
20 designate resources that an applicant may retain and not be ineligible
21 for public assistance because of such resources. Exempt resources
22 shall include, but are not limited to:

23 (a) A home that an applicant, recipient, or their dependents is
24 living in, including the surrounding property;

25 (b) Household furnishings and personal effects;

26 (c) A motor vehicle, other than a motor home, used and useful
27 having an equity value not to exceed five thousand dollars;

28 (d) A motor vehicle necessary to transport a ~~((physically~~
29 ~~disabled))~~ household member with a physical disability. This exclusion
30 is limited to one vehicle per ~~((physically disabled))~~ person with a
31 physical disability;

32 (e) All other resources, including any excess of values exempted,
33 not to exceed one thousand dollars or other limit as set by the
34 department, to be consistent with limitations on resources and
35 exemptions necessary for federal aid assistance. The department shall
36 also allow recipients of temporary assistance for needy families to
37 exempt savings accounts with combined balances of up to an additional
38 three thousand dollars;

1 (f) Applicants for or recipients of (~~general—assistance~~)
2 disability lifeline benefits shall have their eligibility based on
3 resource limitations consistent with the temporary assistance for needy
4 families program rules adopted by the department; and

5 (g) If an applicant for or recipient of public assistance possesses
6 property and belongings in excess of the ceiling value, such value
7 shall be used in determining the need of the applicant or recipient,
8 except that: (i) The department may exempt resources or income when
9 the income and resources are determined necessary to the applicant's or
10 recipient's restoration to independence, to decrease the need for
11 public assistance, or to aid in rehabilitating the applicant or
12 recipient or a dependent of the applicant or recipient; and (ii) the
13 department may provide grant assistance for a period not to exceed nine
14 months from the date the agreement is signed pursuant to this section
15 to persons who are otherwise ineligible because of excess real property
16 owned by such persons when they are making a good faith effort to
17 dispose of that property: PROVIDED, That:

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

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

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

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

30 (~~(+11+)~~) (10) "Income"--(a) All appreciable gains in real or
31 personal property (cash or kind) or other assets, which are received by
32 or become available for use and enjoyment by an applicant or recipient
33 during the month of application or after applying for or receiving
34 public assistance. The department may by rule and regulation exempt
35 income received by an applicant for or recipient of public assistance
36 which can be used by him or her to decrease his or her need for public
37 assistance or to aid in rehabilitating him or her or his or her
38 dependents, but such exemption shall not, unless otherwise provided in

1 this title, exceed the exemptions of resources granted under this
2 chapter to an applicant for public assistance. In addition, for cash
3 assistance the department may disregard income pursuant to RCW
4 74.08A.230 and 74.12.350.

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

10 ~~((12))~~ (11) "Need"--The difference between the applicant's or
11 recipient's standards of assistance for himself or herself and the
12 dependent members of his or her family, as measured by the standards of
13 the department, and value of all nonexempt resources and nonexempt
14 income received by or available to the applicant or recipient and the
15 dependent members of his or her family.

16 (12) "Disability lifeline program" means the program established in
17 sections 4 and 5 of this act.

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

24 (14) In the construction of words and phrases used in this title,
25 the singular number shall include the plural, the masculine gender
26 shall include both the feminine and neuter genders and the present
27 tense shall include the past and future tenses, unless the context
28 thereof shall clearly indicate to the contrary.

29 **Sec. 12.** RCW 10.101.010 and 1998 c 79 s 2 are each amended to read
30 as follows:

31 The following definitions shall be applied in connection with this
32 chapter:

33 (1) "Indigent" means a person who, at any stage of a court
34 proceeding, is:

35 (a) Receiving one of the following types of public assistance:
36 Temporary assistance for needy families, (~~general—assistance~~)

1 disability lifeline benefits, poverty-related veterans' benefits, food
2 stamps or food stamp benefits transferred electronically, refugee
3 resettlement benefits, medicaid, or supplemental security income; or

4 (b) Involuntarily committed to a public mental health facility; or

5 (c) Receiving an annual income, after taxes, of one hundred twenty-
6 five percent or less of the current federally established poverty
7 level; or

8 (d) Unable to pay the anticipated cost of counsel for the matter
9 before the court because his or her available funds are insufficient to
10 pay any amount for the retention of counsel.

11 (2) "Indigent and able to contribute" means a person who, at any
12 stage of a court proceeding, is unable to pay the anticipated cost of
13 counsel for the matter before the court because his or her available
14 funds are less than the anticipated cost of counsel but sufficient for
15 the person to pay a portion of that cost.

16 (3) "Anticipated cost of counsel" means the cost of retaining
17 private counsel for representation on the matter before the court.

18 (4) "Available funds" means liquid assets and disposable net
19 monthly income calculated after provision is made for bail obligations.
20 For the purpose of determining available funds, the following
21 definitions shall apply:

22 (a) "Liquid assets" means cash, savings accounts, bank accounts,
23 stocks, bonds, certificates of deposit, equity in real estate, and
24 equity in motor vehicles. A motor vehicle necessary to maintain
25 employment and having a market value not greater than three thousand
26 dollars shall not be considered a liquid asset.

27 (b) "Income" means salary, wages, interest, dividends, and other
28 earnings which are reportable for federal income tax purposes, and cash
29 payments such as reimbursements received from pensions, annuities,
30 social security, and public assistance programs. It includes any
31 contribution received from any family member or other person who is
32 domiciled in the same residence as the defendant and who is helping to
33 defray the defendant's basic living costs.

34 (c) "Disposable net monthly income" means the income remaining each
35 month after deducting federal, state, or local income taxes, social
36 security taxes, contributory retirement, union dues, and basic living
37 costs.

1 (d) "Basic living costs" means the average monthly amount spent by
2 the defendant for reasonable payments toward living costs, such as
3 shelter, food, utilities, health care, transportation, clothing, loan
4 payments, support payments, and court-imposed obligations.

5 **Sec. 13.** RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are
6 each reenacted and amended to read as follows:

7 For purposes of this chapter:

8 (1) "Abandoned" means when the child's parent, guardian, or other
9 custodian has expressed, either by statement or conduct, an intent to
10 forego, for an extended period, parental rights or responsibilities
11 despite an ability to exercise such rights and responsibilities. If
12 the court finds that the petitioner has exercised due diligence in
13 attempting to locate the parent, no contact between the child and the
14 child's parent, guardian, or other custodian for a period of three
15 months creates a rebuttable presumption of abandonment, even if there
16 is no expressed intent to abandon.

17 (2) "Child" and "juvenile" means any individual under the age of
18 eighteen years.

19 (3) "Current placement episode" means the period of time that
20 begins with the most recent date that the child was removed from the
21 home of the parent, guardian, or legal custodian for purposes of
22 placement in out-of-home care and continues until: (a) The child
23 returns home; (b) an adoption decree, a permanent custody order, or
24 guardianship order is entered; or (c) the dependency is dismissed,
25 whichever occurs first.

26 (4) "Department" means the department of social and health
27 services.

28 (5) "Dependency guardian" means the person, nonprofit corporation,
29 or Indian tribe appointed by the court pursuant to this chapter for the
30 limited purpose of assisting the court in the supervision of the
31 dependency.

32 (6) "Dependent child" means any child who:

33 (a) Has been abandoned;

34 (b) Is abused or neglected as defined in chapter 26.44 RCW by a
35 person legally responsible for the care of the child; or

36 (c) Has no parent, guardian, or custodian capable of adequately

1 caring for the child, such that the child is in circumstances which
2 constitute a danger of substantial damage to the child's psychological
3 or physical development.

4 (7) "Developmental disability" means a disability attributable to
5 mental retardation, cerebral palsy, epilepsy, autism, or another
6 neurological or other condition of an individual found by the secretary
7 to be closely related to mental retardation or to require treatment
8 similar to that required for individuals with mental retardation, which
9 disability originates before the individual attains age eighteen, which
10 has continued or can be expected to continue indefinitely, and which
11 constitutes a substantial handicap to the individual.

12 (8) "Guardian" means the person or agency that: (a) Has been
13 appointed as the guardian of a child in a legal proceeding other than
14 a proceeding under this chapter; and (b) has the legal right to custody
15 of the child pursuant to such appointment. The term "guardian" shall
16 not include a "dependency guardian" appointed pursuant to a proceeding
17 under this chapter.

18 (9) "Guardian ad litem" means a person, appointed by the court to
19 represent the best interests of a child in a proceeding under this
20 chapter, or in any matter which may be consolidated with a proceeding
21 under this chapter. A "court-appointed special advocate" appointed by
22 the court to be the guardian ad litem for the child, or to perform
23 substantially the same duties and functions as a guardian ad litem,
24 shall be deemed to be guardian ad litem for all purposes and uses of
25 this chapter.

26 (10) "Guardian ad litem program" means a court-authorized volunteer
27 program, which is or may be established by the superior court of the
28 county in which such proceeding is filed, to manage all aspects of
29 volunteer guardian ad litem representation for children alleged or
30 found to be dependent. Such management shall include but is not
31 limited to: Recruitment, screening, training, supervision, assignment,
32 and discharge of volunteers.

33 (11) "Housing assistance" means appropriate referrals by the
34 department or other supervising agencies to federal, state, local, or
35 private agencies or organizations, assistance with forms, applications,
36 or financial subsidies or other monetary assistance for housing. For
37 purposes of this chapter, "housing assistance" is not a remedial

1 service or time-limited family reunification service as described in
2 RCW 13.34.025(2).

3 (12) "Indigent" means a person who, at any stage of a court
4 proceeding, is:

5 (a) Receiving one of the following types of public assistance:
6 Temporary assistance for needy families, (~~general assistance~~)
7 disability lifeline benefits, poverty-related veterans' benefits, food
8 stamps or food stamp benefits transferred electronically, refugee
9 resettlement benefits, medicaid, or supplemental security income; or

10 (b) Involuntarily committed to a public mental health facility; or

11 (c) Receiving an annual income, after taxes, of one hundred twenty-
12 five percent or less of the federally established poverty level; or

13 (d) Unable to pay the anticipated cost of counsel for the matter
14 before the court because his or her available funds are insufficient to
15 pay any amount for the retention of counsel.

16 (13) "Out-of-home care" means placement in a foster family home or
17 group care facility licensed pursuant to chapter 74.15 RCW or placement
18 in a home, other than that of the child's parent, guardian, or legal
19 custodian, not required to be licensed pursuant to chapter 74.15 RCW.

20 (14) "Preventive services" means preservation services, as defined
21 in chapter 74.14C RCW, and other reasonably available services,
22 including housing assistance, capable of preventing the need for out-
23 of-home placement while protecting the child.

24 (15) "Shelter care" means temporary physical care in a facility
25 licensed pursuant to RCW 74.15.030 or in a home not required to be
26 licensed pursuant to RCW 74.15.030.

27 (16) "Sibling" means a child's birth brother, birth sister,
28 adoptive brother, adoptive sister, half-brother, or half-sister, or as
29 defined by the law or custom of the Indian child's tribe for an Indian
30 child as defined in 25 U.S.C. Sec. 1903(4).

31 (17) "Social study" means a written evaluation of matters relevant
32 to the disposition of the case and shall contain the following
33 information:

34 (a) A statement of the specific harm or harms to the child that
35 intervention is designed to alleviate;

36 (b) A description of the specific services and activities, for both
37 the parents and child, that are needed in order to prevent serious harm
38 to the child; the reasons why such services and activities are likely

1 to be useful; the availability of any proposed services; and the
2 agency's overall plan for ensuring that the services will be delivered.
3 The description shall identify the services chosen and approved by the
4 parent;

5 (c) If removal is recommended, a full description of the reasons
6 why the child cannot be protected adequately in the home, including a
7 description of any previous efforts to work with the parents and the
8 child in the home; the in-home treatment programs that have been
9 considered and rejected; the preventive services, including housing
10 assistance, that have been offered or provided and have failed to
11 prevent the need for out-of-home placement, unless the health, safety,
12 and welfare of the child cannot be protected adequately in the home;
13 and the parents' attitude toward placement of the child;

14 (d) A statement of the likely harms the child will suffer as a
15 result of removal;

16 (e) A description of the steps that will be taken to minimize the
17 harm to the child that may result if separation occurs including an
18 assessment of the child's relationship and emotional bond with any
19 siblings, and the agency's plan to provide ongoing contact between the
20 child and the child's siblings if appropriate; and

21 (f) Behavior that will be expected before determination that
22 supervision of the family or placement is no longer necessary.

23 (18) "Supervising agency" means an agency licensed by the state
24 under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom
25 the department has entered into a performance-based contract to provide
26 child welfare services as defined in RCW 74.13.020.

27 **Sec. 14.** RCW 26.19.071 and 2009 c 84 s 3 are each amended to read
28 as follows:

29 (1) **Consideration of all income.** All income and resources of each
30 parent's household shall be disclosed and considered by the court when
31 the court determines the child support obligation of each parent. Only
32 the income of the parents of the children whose support is at issue
33 shall be calculated for purposes of calculating the basic support
34 obligation. Income and resources of any other person shall not be
35 included in calculating the basic support obligation.

36 (2) **Verification of income.** Tax returns for the preceding two

1 years and current paystubs shall be provided to verify income and
2 deductions. Other sufficient verification shall be required for income
3 and deductions which do not appear on tax returns or paystubs.

4 (3) **Income sources included in gross monthly income.** Except as
5 specifically excluded in subsection (4) of this section, monthly gross
6 income shall include income from any source, including:

- 7 (a) Salaries;
- 8 (b) Wages;
- 9 (c) Commissions;
- 10 (d) Deferred compensation;
- 11 (e) Overtime, except as excluded for income in subsection (4)(h) of
12 this section;
- 13 (f) Contract-related benefits;
- 14 (g) Income from second jobs, except as excluded for income in
15 subsection (4)(h) of this section;
- 16 (h) Dividends;
- 17 (i) Interest;
- 18 (j) Trust income;
- 19 (k) Severance pay;
- 20 (l) Annuities;
- 21 (m) Capital gains;
- 22 (n) Pension retirement benefits;
- 23 (o) Workers' compensation;
- 24 (p) Unemployment benefits;
- 25 (q) Maintenance actually received;
- 26 (r) Bonuses;
- 27 (s) Social security benefits;
- 28 (t) Disability insurance benefits; and
- 29 (u) Income from self-employment, rent, royalties, contracts,
30 proprietorship of a business, or joint ownership of a partnership or
31 closely held corporation.

32 (4) **Income sources excluded from gross monthly income.** The
33 following income and resources shall be disclosed but shall not be
34 included in gross income:

- 35 (a) Income of a new spouse or new domestic partner or income of
36 other adults in the household;
- 37 (b) Child support received from other relationships;
- 38 (c) Gifts and prizes;

- 1 (d) Temporary assistance for needy families;
- 2 (e) Supplemental security income;
- 3 (f) (~~General assistance~~) Disability lifeline benefits;
- 4 (g) Food stamps; and
- 5 (h) Overtime or income from second jobs beyond forty hours per week
- 6 averaged over a twelve-month period worked to provide for a current
- 7 family's needs, to retire past relationship debts, or to retire child
- 8 support debt, when the court finds the income will cease when the party
- 9 has paid off his or her debts.

10 Receipt of income and resources from temporary assistance for needy
11 families, supplemental security income, (~~general — assistance~~)
12 disability lifeline benefits, and food stamps shall not be a reason to
13 deviate from the standard calculation.

14 (5) **Determination of net income.** The following expenses shall be
15 disclosed and deducted from gross monthly income to calculate net
16 monthly income:

- 17 (a) Federal and state income taxes;
- 18 (b) Federal insurance contributions act deductions;
- 19 (c) Mandatory pension plan payments;
- 20 (d) Mandatory union or professional dues;
- 21 (e) State industrial insurance premiums;
- 22 (f) Court-ordered maintenance to the extent actually paid;
- 23 (g) Up to five thousand dollars per year in voluntary retirement
- 24 contributions actually made if the contributions show a pattern of
- 25 contributions during the one-year period preceding the action
- 26 establishing the child support order unless there is a determination
- 27 that the contributions were made for the purpose of reducing child
- 28 support; and

29 (h) Normal business expenses and self-employment taxes for self-
30 employed persons. Justification shall be required for any business
31 expense deduction about which there is disagreement.

32 Items deducted from gross income under this subsection shall not be
33 a reason to deviate from the standard calculation.

34 (6) **Imputation of income.** The court shall impute income to a
35 parent when the parent is voluntarily unemployed or voluntarily
36 underemployed. The court shall determine whether the parent is
37 voluntarily underemployed or voluntarily unemployed based upon that
38 parent's work history, education, health, and age, or any other

1 relevant factors. A court shall not impute income to a parent who is
2 gainfully employed on a full-time basis, unless the court finds that
3 the parent is voluntarily underemployed and finds that the parent is
4 purposely underemployed to reduce the parent's child support
5 obligation. Income shall not be imputed for an unemployable parent.
6 Income shall not be imputed to a parent to the extent the parent is
7 unemployed or significantly underemployed due to the parent's efforts
8 to comply with court-ordered reunification efforts under chapter 13.34
9 RCW or under a voluntary placement agreement with an agency supervising
10 the child. In the absence of records of a parent's actual earnings,
11 the court shall impute a parent's income in the following order of
12 priority:

- 13 (a) Full-time earnings at the current rate of pay;
- 14 (b) Full-time earnings at the historical rate of pay based on
15 reliable information, such as employment security department data;
- 16 (c) Full-time earnings at a past rate of pay where information is
17 incomplete or sporadic;
- 18 (d) Full-time earnings at minimum wage in the jurisdiction where
19 the parent resides if the parent has a recent history of minimum wage
20 earnings, is recently coming off public assistance, (~~general~~
21 ~~assistance-unemployable~~) disability lifeline benefits, supplemental
22 security income, or disability, has recently been released from
23 incarceration, or is a high school student;
- 24 (e) Median net monthly income of year-round full-time workers as
25 derived from the United States bureau of census, current population
26 reports, or such replacement report as published by the bureau of
27 census.

28 **Sec. 15.** RCW 31.04.540 and 2009 c 149 s 8 are each amended to read
29 as follows:

30 (1) To the extent that implementation of this section does not
31 conflict with federal law resulting in the loss of federal funding,
32 proprietary reverse mortgage loan advances made to a borrower must be
33 treated as proceeds from a loan and not as income for the purpose of
34 determining eligibility and benefits under means-tested programs of aid
35 to individuals.

36 (2) Undisbursed reverse mortgage funds must be treated as equity in

1 the borrower's home and not as proceeds from a loan, resources, or
2 assets for the purpose of determining eligibility and benefits under
3 means-tested programs of aid to individuals.

4 (3) This section applies to any law or program relating to
5 payments, allowances, benefits, or services provided on a means-tested
6 basis by this state including, but not limited to, optional state
7 supplements to the federal supplemental security income program, low-
8 income energy assistance, property tax relief, (~~general assistance~~)
9 disability lifeline benefits, and medical assistance only to the extent
10 this section does not conflict with Title 19 of the federal social
11 security act.

12 **Sec. 16.** RCW 70.123.110 and 1997 c 59 s 9 are each amended to read
13 as follows:

14 (~~General assistance~~) Disability lifeline benefits or temporary
15 assistance for needy families payments shall be made to otherwise
16 eligible individuals who are residing in a secure shelter, a housing
17 network or other shelter facility which provides shelter services to
18 persons who are victims of domestic violence. Provisions shall be made
19 by the department for the confidentiality of the shelter addresses
20 where victims are residing.

21 **Sec. 17.** RCW 73.08.005 and 2009 c 35 s 1 are each amended to read
22 as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Direct costs" includes those allowable costs that can be
26 readily assigned to the statutory objectives of this chapter,
27 consistent with the cost principles promulgated by the federal office
28 of management and budget in circular No. A-87, dated May 10, 2004.

29 (2) "Family" means the spouse or domestic partner, surviving
30 spouse, surviving domestic partner, and dependent children of a living
31 or deceased veteran.

32 (3) "Indigent" means a person who is defined as such by the county
33 legislative authority using one or more of the following definitions:

34 (a) Receiving one of the following types of public assistance:
35 Temporary assistance for needy families, (~~general assistance~~)

1 disability lifeline benefits, poverty-related veterans' benefits, food
2 stamps or food stamp benefits transferred electronically, refugee
3 resettlement benefits, medicaid, or supplemental security income;

4 (b) Receiving an annual income, after taxes, of up to one hundred
5 fifty percent or less of the current federally established poverty
6 level, or receiving an annual income not exceeding a higher qualifying
7 income established by the county legislative authority; or

8 (c) Unable to pay reasonable costs for shelter, food, utilities,
9 and transportation because his or her available funds are insufficient.

10 (4) "Indirect costs" includes those allowable costs that are
11 generally associated with carrying out the statutory objectives of this
12 chapter, but the identification and tracking of those costs cannot be
13 readily assigned to a specific statutory objective without an
14 accounting effort that is disproportionate to the benefit received. A
15 county legislative authority may allocate allowable indirect costs to
16 its veterans' assistance fund if it is accomplished in a manner
17 consistent with the cost principles promulgated by the federal office
18 of management and budget in circular No. A-87, dated May 10, 2004.

19 (5) "Veteran" has the same meaning as defined in RCW 41.04.005 and
20 41.04.007, and includes a current member of the national guard or armed
21 forces reserves who has been deployed to serve in an armed conflict.

22 (6) "Veterans' advisory board" means a board established by a
23 county legislative authority under the authority of RCW 73.08.035.

24 (7) "Veterans' assistance fund" means an account in the custody of
25 the county auditor, or the chief financial officer in a county
26 operating under a charter, that is funded by taxes levied under the
27 authority of RCW 73.08.080.

28 (8) "Veterans' assistance program" means a program approved by the
29 county legislative authority under the authority of RCW 73.08.010 that
30 is fully or partially funded by the veterans' assistance fund
31 authorized by RCW 73.08.080.

32 **Sec. 18.** RCW 74.04.0052 and 1997 c 58 s 502 are each amended to
33 read as follows:

34 (1) The department shall determine, after consideration of all
35 relevant factors and in consultation with the applicant, the most
36 appropriate living situation for applicants under eighteen years of
37 age, unmarried, and pregnant who are eligible for (~~general assistance~~

1 as — defined — in — RCW — 74.04.005(6)(a)(ii)(A)) disability _ lifeline
2 benefits. An appropriate living situation shall include a place of
3 residence that is maintained by the applicant's parents, parent, legal
4 guardian, or other adult relative as their or his or her own home and
5 that the department finds would provide an appropriate supportive
6 living arrangement. It also includes a living situation maintained by
7 an agency that is licensed under chapter 74.15 RCW that the department
8 finds would provide an appropriate supportive living arrangement.
9 Grant assistance shall not be provided under this chapter if the
10 applicant does not reside in the most appropriate living situation, as
11 determined by the department.

12 (2) A pregnant minor residing in the most appropriate living
13 situation, as provided under subsection (1) of this section, is
14 presumed to be unable to manage adequately the funds paid to the minor
15 or on behalf of the dependent child or children and, unless the minor
16 provides sufficient evidence to rebut the presumption, shall be subject
17 to the protective payee requirements provided for under RCW 74.12.250
18 and 74.08.280.

19 (3) The department shall consider any statements or opinions by
20 either parent of the unmarried minor parent or pregnant minor applicant
21 as to an appropriate living situation for the minor, whether in the
22 parental home or other situation. If the parents or a parent of the
23 minor request, they or he or she shall be entitled to a hearing in
24 juvenile court regarding designation of the parental home or other
25 relative placement as the most appropriate living situation for the
26 pregnant or parenting minor.

27 The department shall provide the parents or parent with the
28 opportunity to make a showing that the parental home, or home of the
29 other relative placement, is the most appropriate living situation. It
30 shall be presumed in any administrative or judicial proceeding
31 conducted under this subsection that the parental home or other
32 relative placement requested by the parents or parent is the most
33 appropriate living situation. This presumption is rebuttable.

34 (4) In cases in which the minor is unmarried and unemployed, the
35 department shall, as part of the determination of the appropriate
36 living situation, provide information about adoption including referral
37 to community-based organizations providing counseling.

1 (5) For the purposes of this section, "most appropriate living
2 situation" shall not include a living situation including an adult male
3 who fathered the qualifying child and is found to meet the elements of
4 rape of a child as set forth in RCW 9A.44.079.

5 **Sec. 19.** RCW 74.04.120 and 1979 c 141 s 301 are each amended to
6 read as follows:

7 Allocations of state and federal funds shall be made upon the basis
8 of need within the respective counties as disclosed by the quarterly
9 budgets, considered in conjunction with revenues available for the
10 satisfaction of that need: PROVIDED, That in preparing his quarterly
11 budget for federal aid assistance, the administrator shall include the
12 aggregate of the individual case load approved by the department to
13 date on the basis of need and the secretary shall approve and allocate
14 an amount sufficient to service the aggregate case load as included in
15 said budget, and in the event any portion of the budgeted case load
16 cannot be serviced with moneys available for the particular category
17 for which an application is made the committee may on the
18 administrator's request authorize the transfer of sufficient (~~general~~
19 ~~assistance~~) disability lifeline program funds to the appropriation for
20 such category to service such case load and secure the benefit of
21 federal matching funds.

22 **Sec. 20.** RCW 74.04.230 and 1982 c 204 s 16 are each amended to
23 read as follows:

24 Persons eligible for (~~general assistance under RCW 74.04.005~~)
25 disability lifeline benefits are eligible for mental health services to
26 the extent that they meet the client definitions and priorities
27 established by chapter 71.24 RCW.

28 **Sec. 21.** RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended
29 to read as follows:

30 In determining need for (~~general assistance for unemployable~~
31 ~~persons as defined in RCW 74.04.005(6)(a)~~) disability lifeline
32 benefits, the department may by rule and regulation establish a monthly
33 earned income exemption in an amount not to exceed the exemption
34 allowable under disability programs authorized in Title XVI of the
35 federal social security act.

1 **Sec. 22.** RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each
2 amended to read as follows:

3 (1) The department is authorized to establish a program of state
4 supplementation to the national program of supplemental security income
5 consistent with Public Law 92-603 and Public Law 93-66 to those persons
6 who are in need thereof in accordance with eligibility requirements
7 established by the department.

8 (2) The department is authorized to establish reasonable standards
9 of assistance and resource and income exemptions specifically for such
10 program of state supplementation which shall be consistent with the
11 provisions of the Social Security Act.

12 (3) The department is authorized to make payments to applicants for
13 supplemental security income, pursuant to agreements as provided in
14 Public Law 93-368, who are otherwise eligible for (~~general~~
15 ~~assistance~~) disability lifeline benefits.

16 (4) Any agreement between the department and a supplemental
17 security income applicant providing for the reimbursement of interim
18 assistance to the department shall provide, if the applicant has been
19 represented by an attorney, that twenty-five percent of the
20 reimbursement received shall be withheld by the department and all or
21 such portion thereof as has been approved as a fee by the United States
22 department of health and human services shall be released directly to
23 the applicant's attorney. The secretary may maintain such records as
24 are deemed appropriate to measure the cost and effectiveness of such
25 agreements and may make recommendations concerning the continued use of
26 such agreements to the legislature.

27 **Sec. 23.** RCW 74.04.770 and 1997 c 59 s 11 are each amended to read
28 as follows:

29 The department shall establish consolidated standards of need each
30 fiscal year which may vary by geographical areas, program, and family
31 size, for temporary assistance for needy families, refugee assistance,
32 supplemental security income, and (~~general-assistance~~) disability
33 lifeline benefits. Standards for temporary assistance for needy
34 families, refugee assistance, and (~~general-assistance~~) disability
35 lifeline benefits shall be based on studies of actual living costs and
36 generally recognized inflation indices and shall include reasonable
37 allowances for shelter, fuel, food, transportation, clothing, household

1 maintenance and operations, personal maintenance, and necessary
2 incidentals. The standard of need may take into account the economies
3 of joint living arrangements, but unless explicitly required by federal
4 statute, there shall not be proration of any portion of assistance
5 grants unless the amount of the grant standard is equal to the standard
6 of need.

7 The department is authorized to establish rateable reductions and
8 grant maximums consistent with federal law.

9 Payment level will be equal to need or a lesser amount if rateable
10 reductions or grant maximums are imposed. In no case shall a recipient
11 of supplemental security income receive a state supplement less than
12 the minimum required by federal law.

13 The department may establish a separate standard for shelter
14 provided at no cost.

15 **Sec. 24.** RCW 74.08.043 and 1981 1st ex.s. c 6 s 12 are each
16 amended to read as follows:

17 In determining the living requirements of otherwise eligible
18 applicants and recipients of supplemental security income and (~~general~~
19 ~~assistance~~) disability lifeline benefits, the department is authorized
20 to consider the need for personal and special care and supervision due
21 to physical and mental conditions.

22 **Sec. 25.** RCW 74.08.278 and 1979 c 141 s 327 are each amended to
23 read as follows:

24 In order to comply with federal statutes and regulations pertaining
25 to federal matching funds and to provide for the prompt payment of
26 initial grants and adjusting payments of grants the secretary is
27 authorized to make provisions for the cash payment of assistance by the
28 secretary or county administrators by the establishment of a central
29 operating fund. The secretary may establish such a fund with the
30 approval of the state auditor from moneys appropriated to the
31 department for the payment of (~~general—assistance~~) disability
32 lifeline benefits in a sum not to exceed one million dollars. Such
33 funds shall be deposited as agreed upon by the secretary and the state
34 auditor in accordance with the laws regulating the deposits of public
35 funds. Such security shall be required of the depository in connection
36 with the fund as the state treasurer may prescribe. Moneys remaining

1 in the fund shall be returned to the general fund at the end of the
2 biennium, or an accounting of proper expenditures from the fund shall
3 be made to the state auditor. All expenditures from such central
4 operating fund shall be reimbursed out of and charged to the proper
5 program appropriated by the use of such forms and vouchers as are
6 approved by the secretary of the department and the state auditor.
7 Expenditures from such fund shall be audited by the director of
8 financial management and the state auditor from time to time and a
9 report shall be made by the state auditor and the secretary as are
10 required by law.

11 **Sec. 26.** RCW 74.08.335 and 1997 c 59 s 13 are each amended to read
12 as follows:

13 Temporary assistance for needy families and (~~general assistance~~)
14 disability lifeline benefits shall not be granted to any person who has
15 made an assignment or transfer of property for the purpose of rendering
16 himself or herself eligible for the assistance. There is a rebuttable
17 presumption that a person who has transferred or transfers any real or
18 personal property or any interest in property within two years of the
19 date of application for the assistance without receiving adequate
20 monetary consideration therefor, did so for the purpose of rendering
21 himself or herself eligible for the assistance. Any person who
22 transfers property for the purpose of rendering himself or herself
23 eligible for assistance, or any person who after becoming a recipient
24 transfers any property or any interest in property without the consent
25 of the secretary, shall be ineligible for assistance for a period of
26 time during which the reasonable value of the property so transferred
27 would have been adequate to meet the person's needs under normal
28 conditions of living: PROVIDED, That the secretary is hereby
29 authorized to allow exceptions in cases where undue hardship would
30 result from a denial of assistance.

31 **Sec. 27.** RCW 74.08A.210 and 1997 c 58 s 302 are each amended to
32 read as follows:

33 (1) In order to prevent some families from developing dependency on
34 temporary assistance for needy families, the department shall make
35 available to qualifying applicants a diversion program designed to

1 provide brief, emergency assistance for families in crisis whose income
2 and assets would otherwise qualify them for temporary assistance for
3 needy families.

4 (2) Diversion assistance may include cash or vouchers in payment
5 for the following needs:

6 (a) Child care;

7 (b) Housing assistance;

8 (c) Transportation-related expenses;

9 (d) Food;

10 (e) Medical costs for the recipient's immediate family;

11 (f) Employment-related expenses which are necessary to keep or
12 obtain paid unsubsidized employment.

13 (3) Diversion assistance is available once in each twelve-month
14 period for each adult applicant. Recipients of diversion assistance
15 are not included in the temporary assistance for needy families
16 program.

17 (4) Diversion assistance may not exceed one thousand five hundred
18 dollars for each instance.

19 (5) To be eligible for diversion assistance, a family must
20 otherwise be eligible for temporary assistance for needy families.

21 (6) Families ineligible for temporary assistance for needy families
22 or (~~general assistance~~) disability lifeline benefits due to sanction,
23 noncompliance, the lump sum income rule, or any other reason are not
24 eligible for diversion assistance.

25 (7) Families must provide evidence showing that a bona fide need
26 exists according to subsection (2) of this section in order to be
27 eligible for diversion assistance.

28 An adult applicant may receive diversion assistance of any type no
29 more than once per twelve-month period. If the recipient of diversion
30 assistance is placed on the temporary assistance for needy families
31 program within twelve months of receiving diversion assistance, the
32 prorated dollar value of the assistance shall be treated as a loan from
33 the state, and recovered by deduction from the recipient's cash grant.

34 **Sec. 28.** RCW 74.09.010 and 2007 c 3 s 2 are each amended to read
35 as follows:

36 As used in this chapter:

1 (1) "Children's health program" means the health care services
2 program provided to children under eighteen years of age and in
3 households with incomes at or below the federal poverty level as
4 annually defined by the federal department of health and human services
5 as adjusted for family size, and who are not otherwise eligible for
6 medical assistance or the limited casualty program for the medically
7 needy.

8 (2) "Committee" means the children's health services committee
9 created in section 3 of this act.

10 (3) "County" means the board of county commissioners, county
11 council, county executive, or tribal jurisdiction, or its designee. A
12 combination of two or more county authorities or tribal jurisdictions
13 may enter into joint agreements to fulfill the requirements of RCW
14 74.09.415 through 74.09.435.

15 (4) "Department" means the department of social and health
16 services.

17 (5) "Department of health" means the Washington state department of
18 health created pursuant to RCW 43.70.020.

19 (6) "Internal management" means the administration of medical
20 assistance, medical care services, the children's health program, and
21 the limited casualty program.

22 (7) "Limited casualty program" means the medical care program
23 provided to medically needy persons as defined under Title XIX of the
24 federal social security act, and to medically indigent persons who are
25 without income or resources sufficient to secure necessary medical
26 services.

27 (8) "Medical assistance" means the federal aid medical care program
28 provided to categorically needy persons as defined under Title XIX of
29 the federal social security act.

30 (9) "Medical care services" means the limited scope of care
31 financed by state funds and provided to (~~general-assistance~~)
32 disability lifeline benefits recipients, and recipients of alcohol and
33 drug addiction services provided under chapter 74.50 RCW.

34 (10) "Nursing home" means nursing home as defined in RCW 18.51.010.

35 (11) "Poverty" means the federal poverty level determined annually
36 by the United States department of health and human services, or
37 successor agency.

38 (12) "Secretary" means the secretary of social and health services.

1 (13) "Full benefit dual eligible beneficiary" means an individual
2 who, for any month: Has coverage for the month under a medicare
3 prescription drug plan or medicare advantage plan with part D coverage;
4 and is determined eligible by the state for full medicaid benefits for
5 the month under any eligibility category in the state's medicaid plan
6 or a section 1115 demonstration waiver that provides pharmacy benefits.

7 **Sec. 29.** RCW 74.09.035 and 1987 c 406 s 12 are each amended to
8 read as follows:

9 (1) To the extent of available funds, medical care services may be
10 provided to recipients of (~~general assistance~~) disability lifeline
11 benefits, and recipients of alcohol and drug addiction services
12 provided under chapter 74.50 RCW, in accordance with medical
13 eligibility requirements established by the department.

14 (2) Determination of the amount, scope, and duration of medical
15 care services shall be limited to coverage as defined by the
16 department, except that adult dental, and routine foot care shall not
17 be included unless there is a specific appropriation for these
18 services.

19 (3) The department shall enter into performance-based contracts
20 with one or more managed health care systems for the provision of
21 medical care services to recipients of disability lifeline benefits.
22 The contract must provide for integrated delivery of medical and mental
23 health services.

24 (4) The department shall establish standards of assistance and
25 resource and income exemptions, which may include deductibles and co-
26 insurance provisions. In addition, the department may include a
27 prohibition against the voluntary assignment of property or cash for
28 the purpose of qualifying for assistance.

29 (4) Residents of skilled nursing homes, intermediate care
30 facilities, and intermediate care facilities for the mentally retarded,
31 as that term is described by federal law, who are eligible for medical
32 care services shall be provided medical services to the same extent as
33 provided to those persons eligible under the medical assistance
34 program.

35 (5) Payments made by the department under this program shall be the
36 limit of expenditures for medical care services solely from state
37 funds.

1 (6) Eligibility for medical care services shall commence with the
2 date of certification for (~~general assistance~~) disability lifeline
3 benefits or the date of eligibility for alcohol and drug addiction
4 services provided under chapter 74.50 RCW.

5 **Sec. 30.** RCW 74.09.555 and 2005 c 503 s 12 are each amended to
6 read as follows:

7 (1) The department shall adopt rules and policies providing that
8 when persons with a mental disorder, who were enrolled in medical
9 assistance immediately prior to confinement, are released from
10 confinement, their medical assistance coverage will be fully reinstated
11 on the day of their release, subject to any expedited review of their
12 continued eligibility for medical assistance coverage that is required
13 under federal or state law.

14 (2) The department, in collaboration with the Washington
15 association of sheriffs and police chiefs, the department of
16 corrections, and the regional support networks, shall establish
17 procedures for coordination between department field offices,
18 institutions for mental disease, and correctional institutions, as
19 defined in RCW 9.94.049, that result in prompt reinstatement of
20 eligibility and speedy eligibility determinations for persons who are
21 likely to be eligible for medical assistance services upon release from
22 confinement. Procedures developed under this subsection must address:

23 (a) Mechanisms for receiving medical assistance services
24 applications on behalf of confined persons in anticipation of their
25 release from confinement;

26 (b) Expeditious review of applications filed by or on behalf of
27 confined persons and, to the extent practicable, completion of the
28 review before the person is released;

29 (c) Mechanisms for providing medical assistance services identity
30 cards to persons eligible for medical assistance services immediately
31 upon their release from confinement; and

32 (d) Coordination with the federal social security administration,
33 through interagency agreements or otherwise, to expedite processing of
34 applications for federal supplemental security income or social
35 security disability benefits, including federal acceptance of
36 applications on behalf of confined persons.

1 (3) Where medical or psychiatric examinations during a person's
2 confinement indicate that the person is disabled, the correctional
3 institution or institution for mental diseases shall provide the
4 department with that information for purposes of making medical
5 assistance eligibility and enrollment determinations prior to the
6 person's release from confinement. The department shall, to the
7 maximum extent permitted by federal law, use the examination in making
8 its determination whether the person is disabled and eligible for
9 medical assistance.

10 (4) For purposes of this section, "confined" or "confinement" means
11 incarcerated in a correctional institution, as defined in RCW 9.94.049,
12 or admitted to an institute for mental disease, as defined in 42 C.F.R.
13 part 435, Sec. 1009 on July 24, 2005.

14 (5) For purposes of this section, "likely to be eligible" means
15 that a person:

16 (a) Was enrolled in medicaid or supplemental security income or
17 (~~general-assistance~~) the disability lifeline program immediately
18 before he or she was confined and his or her enrollment was terminated
19 during his or her confinement; or

20 (b) Was enrolled in medicaid or supplemental security income or
21 (~~general-assistance~~) the disability lifeline program at any time
22 during the five years before his or her confinement, and medical or
23 psychiatric examinations during the person's confinement indicate that
24 the person continues to be disabled and the disability is likely to
25 last at least twelve months following release.

26 (6) The economic services administration shall adopt standardized
27 statewide screening and application practices and forms designed to
28 facilitate the application of a confined person who is likely to be
29 eligible for medicaid.

30 **Sec. 31.** RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each
31 amended to read as follows:

32 (1) The department shall establish a shelter assistance program to
33 provide, within available funds, shelter for persons eligible under
34 this chapter. "Shelter," "shelter support," or "shelter assistance"
35 means a facility under contract to the department providing room and
36 board in a supervised living arrangement, normally in a group or
37 dormitory setting, to eligible recipients under this chapter. This may

1 include supervised domiciliary facilities operated under the auspices
2 of public or private agencies. No facility under contract to the
3 department shall allow the consumption of alcoholic beverages on the
4 premises. The department may contract with counties and cities for
5 such shelter services. To the extent possible, the department shall
6 not displace existing emergency shelter beds for use as shelter under
7 this chapter. In areas of the state in which it is not feasible to
8 develop shelters, due to low numbers of people needing shelter
9 services, or in which sufficient numbers of shelter beds are not
10 available, the department may provide shelter through an intensive
11 protective payee program, unless the department grants an exception on
12 an individual basis for less intense supervision.

13 (2) Persons continuously eligible for the (~~general assistance—~~
14 ~~unemployable program~~) disability lifeline program since July 25, 1987,
15 who transfer to the program established by this chapter, have the
16 option to continue their present living situation, but only through a
17 protective payee.

18 NEW SECTION. Sec. 32. A new section is added to chapter 74.08A
19 RCW to read as follows:

20 Recipients exempted from active work search activities due to
21 incapacity or a disability shall receive disability lifeline benefits
22 as they relate to the facilitation of enrollment in the federal
23 supplemental security income program, access to chemical dependency
24 treatment, referrals to vocational rehabilitation, and other services
25 needed to assist the recipient in becoming employable. Disability
26 lifeline benefits shall not supplant cash assistance and other services
27 provided through the temporary assistance for needy families program.
28 To the greatest extent possible, services shall be funded through the
29 temporary assistance for needy families appropriations.

30 NEW SECTION. Sec. 33. A new section is added to chapter 43.185
31 RCW to read as follows:

32 In its current and future contracts under this chapter, the
33 department shall prioritize the construction of supportive housing for
34 homeless disability lifeline benefits recipients. No less than three
35 percent of its current and future contracts under this chapter shall be
36 focused on the construction of supportive housing for this population.

1 NEW SECTION. **Sec. 34.** This act shall be known and cited as the
2 security lifeline act.

3 NEW SECTION. **Sec. 35.** Except for section 10 of this act, this act
4 is necessary for the immediate preservation of the public peace,
5 health, or safety, or support of the state government and its existing
6 public institutions, and takes effect immediately.

7 NEW SECTION. **Sec. 36.** Section 10 of this act takes effect July 1,
8 2010.

9 NEW SECTION. **Sec. 37.** If private funding sufficient to implement
10 and operate the portal authorized under section 2 of this act is not
11 secured by December 31, 2010, section 2 of this act is null and void.

12 NEW SECTION. **Sec. 38.** Sections 1 through 10 and 29 of this act
13 shall be implemented within the amounts appropriated specifically for
14 these purposes in the omnibus operating appropriations act."

2SHB 2782 - S COMM AMD

By Committee on Human Services & Corrections

15 On page 1, line 1 of the title, after "lifeline act;" strike the
16 remainder of the title and insert "amending RCW 74.04.005, 10.101.010,
17 26.19.071, 31.04.540, 70.123.110, 73.08.005, 74.04.0052, 74.04.120,
18 74.04.230, 74.04.266, 74.04.620, 74.04.770, 74.08.043, 74.08.278,
19 74.08.335, 74.08A.210, 74.09.010, 74.09.035, 74.09.555, and 74.50.060;
20 reenacting and amending RCW 13.34.030; adding new sections to chapter
21 74.04 RCW; adding a new section to chapter 70.47 RCW; adding a new
22 section to chapter 70.96A RCW; adding a new section to chapter 74.08A
23 RCW; adding a new section to chapter 43.185 RCW; creating new sections;
24 providing an effective date; providing an expiration date; and
25 declaring an emergency."

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