
SUBSTITUTE HOUSE BILL 2782

State of Washington

61st Legislature

2010 Regular Session

By House Human Services (originally sponsored by Representatives Dickerson, Appleton, McCoy, Carlyle, Morrell, Kagi, Kessler, Green, Ericks, Moeller, Roberts, Nelson, and Orwall)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to establishing the security lifeline act; amending
2 RCW 74.04.005, 74.09.035, 10.101.010, 26.19.071, 31.04.540, 70.123.110,
3 73.08.005, 74.04.0052, 74.04.120, 74.04.230, 74.04.266, 74.04.620,
4 74.04.770, 74.08.043, 74.08.278, 74.08.335, 74.08A.210, 74.09.010,
5 74.09.035, 74.09.555, and 74.50.060; reenacting and amending RCW
6 13.34.030; adding new sections to chapter 74.04 RCW; adding a new
7 section to chapter 70.47 RCW; adding a new section to chapter 70.96A
8 RCW; adding a new section to chapter 74.08A RCW; creating new sections;
9 providing an effective date; providing expiration dates; and declaring
10 an emergency.

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

12 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that low-
13 income families and individuals often face significant barriers to
14 receiving the services and benefits that they are qualified to receive.
15 These services are essential to meeting individuals' basic needs, and
16 provide critical support to low-income individuals who are working or
17 who have disabilities that prevent them from working. The legislature
18 further finds that each year millions of federal dollars go unclaimed

1 due to underutilization of benefits such as tax credits, health care
2 coverage, and food support.

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

7 (3) The legislature finds that state agencies have been engaged in
8 an effort to implement an online benefit portal to simplify and
9 streamline access to state, federal, and local benefits that include a
10 broad array of public benefits. The legislature also finds that
11 agencies have been engaged in efforts to increase access to training
12 and education for recipients of federal food assistance.

13 (4) The legislature therefore intends to strengthen existing
14 efforts by providing enhanced structure and direction to ensure that a
15 strong partnership among colleges, state agencies, community partners,
16 and philanthropy be established. The legislature also intends to
17 provide an efficient, effective, integrated approach to the delivery of
18 basic support services and education and training programs. The
19 integrated approach should include the creation of a one-stop-shop,
20 online benefits portal where individuals can apply for a broad array of
21 services, including public benefits and education and training support,
22 and the expansion of the food stamp employment and training program.

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

25 OPPORTUNITY PORTAL. (1) An online opportunity portal shall be
26 established to provide the public with more effective access to
27 available state, federal, and local services. The planning necessary
28 to implement the portal is the responsibility of a steering committee.
29 The membership of the steering committee must include the secretary of
30 the department of social and health services, as the executive branch
31 sponsor, four representatives of philanthropic organizations, four
32 representatives of community nonprofit organizations, a representative
33 of the state board for community and technical colleges, a
34 representative of the department of information services, two tribal
35 representatives, and two representatives of local government. The
36 speaker of the house of representatives, the senate majority leader,
37 and the governor may each appoint one additional representative to

1 serve on the steering committee. The secretary of the department of
2 social and health services shall convene meetings of the steering
3 committee.

4 (2) The steering committee shall:

5 (a) Identify and select an advanced software provider to integrate
6 technology systems to create a user-friendly electronic tool for
7 Washington residents to apply for benefits;

8 (b) Facilitate the adaptation of state information technology
9 systems to allow applications generated through the opportunity portal
10 and other compatible electronic application systems to seamlessly link
11 to appropriate state information systems;

12 (c) Ensure that the portal provides access to a broad array of
13 state, federal, and local services, including but not limited to:
14 Health care services, higher education financial aid, tax credits,
15 civic engagement, nutrition assistance, energy assistance, family
16 support, and disability lifeline benefits as defined in sections 4
17 through 10 of this act;

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

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

27 (f) Seek private funding for development and initial operation of
28 the opportunity portal. Any incidental costs to state agencies shall
29 be derived from existing resources. This subsection does not obligate
30 or preclude the appropriation of future state funding for the
31 opportunity portal;

32 (g) Select a software provider by June 1, 2010.

33 (3) By December 1, 2011, and annually thereafter, until the
34 steering committee expires, the department of social and health
35 services, in collaboration with the steering committee, shall report to
36 the legislature and governor. The report shall include data and
37 information on implementation and outcomes of the opportunity portal,

1 including any increases in the use of public benefits and increases in
2 federal funding.

3 (4) The steering committee terminates January 1, 2015.

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

6 FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM. (1) The department,
7 the employment security department, and the state board for community
8 and technical colleges shall work in partnership to expand the food
9 stamp employment and training program. Subject to federal approval,
10 the program shall be expanded to three additional community colleges in
11 2010 and shall expand capacity at participating colleges. To the
12 greatest extent possible, expansion shall be geographically diverse.
13 The agencies shall:

14 (a) Identify and seek out partnerships with community organizations
15 that can provide support services and case management to participants
16 in the food stamp employment and training program;

17 (b) Identify eligible nonfederal matching funds to draw down the
18 federal match for food stamp employment and training services.
19 Matching funds may include: Local funds, foundation grants, employer-
20 paid costs, and the state allocation to community and technical
21 colleges. Matching funds shall not include direct state
22 appropriations.

23 (2) Employment and training funds shall be allocated for:
24 Educational programs to develop skills for employability, vocational
25 education, English as a second language courses, adult basic education,
26 GED courses, remedial programs, job readiness training, case
27 management, intake, assessment, evaluation, and barrier removal and
28 support services such as tuition, books, child care, transportation,
29 housing, and counseling services.

30 (3) The department shall annually track and report outcomes
31 including: Federal funding received, the number of participants
32 served, completion rate of education and training programs, the number
33 of participants who enter employment during or after participation in
34 the food stamp employment and training program, average wage, breakdown
35 of employments by service component, and breakdown of employments by
36 industry. The report shall be submitted to the governor and

1 appropriate committees of the legislature on November 1st of each year,
2 beginning in 2010.

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

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

9 DISABILITY LIFELINE. (1) The disability lifeline program is hereby
10 established to provide aid and support to persons who:

11 (a) Are not eligible to receive federal aid assistance, other than
12 basic food benefits transferred electronically and medical assistance;

13 (b) Meet one of the following conditions:

14 (i) Are pregnant and in need, based upon the current income and
15 resource requirements of the federal temporary assistance for needy
16 families program; or

17 (ii) Are incapacitated from gainful employment by reason of bodily
18 or mental infirmity that will likely continue for a minimum of ninety
19 days as determined by the department;

20 (c) Are citizens or aliens lawfully admitted for permanent
21 residence or otherwise residing in the United States under color of
22 law;

23 (d) Have furnished the department their social security number. If
24 the social security number cannot be furnished because it has not been
25 issued or is not known, an application for a number shall be made prior
26 to authorization of assistance, and the social security number shall be
27 provided to the department upon receipt; and

28 (e) Have not refused or failed without good cause to participate in
29 drug or alcohol treatment if an assessment by a certified chemical
30 dependency counselor indicates a need for such treatment. Good cause
31 must be found to exist when a person's physical or mental condition, as
32 determined by the department, prevents the person from participating in
33 drug or alcohol dependency treatment, or when drug or alcohol treatment
34 is not available to the person in the county of his or her residence.

35 (2) The following persons are not eligible for the disability
36 lifeline program:

1 (a) Persons who are unemployable due primarily to alcohol or drug
2 addiction. These persons shall be referred to appropriate assessment,
3 treatment, shelter, or supplemental security income referral services
4 as authorized under chapter 74.50 RCW. Referrals shall be made at the
5 time of application or at the time of eligibility review. This
6 subsection shall not be construed to prohibit the department from
7 granting general assistance benefits to alcoholics and drug addicts who
8 are incapacitated due to other physical or mental conditions that meet
9 the eligibility criteria for the general assistance program;

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

12 (3) Disability lifeline benefits shall be provided only to persons
13 who are not members of assistance units receiving federal aid
14 assistance, except as provided in subsection (1)(a) of this section,
15 and will accept available services that can reasonably be expected to
16 enable the person to work or reduce the need for assistance unless
17 there is good cause to refuse. Failure to accept such services shall
18 result in termination until the person agrees to cooperate in accepting
19 such services and subject to the following maximum periods of
20 ineligibility after reapplication:

21 (a) First failure: One week;

22 (b) Second failure within six months: One month;

23 (c) Third and subsequent failure within one year: Two months.

24 (4) Persons found eligible for disability lifeline benefits based
25 on incapacity from gainful employment may, if otherwise eligible,
26 receive disability lifeline benefits pending application for federal
27 supplemental security income benefits. Any disability lifeline benefit
28 that is subsequently duplicated by the person's receipt of supplemental
29 security income for the same period shall be considered a debt due the
30 state and shall by operation of law be subject to recovery through all
31 available legal remedies.

32 (5) For purposes of determining whether a person is incapacitated
33 from gainful employment under subsection (1)(a) of this section:

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

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

6 (6) Persons receiving disability lifeline benefits based upon a
7 finding of incapacity from gainful employment who remain otherwise
8 eligible shall have their benefits discontinued unless the recipient
9 demonstrates no material improvement in their medical or mental
10 condition. The department may discontinue benefits when there was
11 specific error in the prior determination that found the recipient
12 eligible by reason of incapacitation.

13 (7) The department, directly or by contract, shall review available
14 medical and other relevant evidence to determine whether a disability
15 lifeline applicant or recipient is likely eligible for federal
16 supplemental security income benefits, with a goal of making this
17 determination within ninety days of each individual's initial
18 application for disability lifeline benefits. Individuals identified
19 as likely to qualify for federal benefits must be provided with
20 assistance needed to obtain additional evidence of their disability
21 expeditiously and to successfully complete their application for
22 supplemental security income benefits. These individuals also should
23 be transitioned to medicaid coverage as appropriate. Beginning
24 December 1, 2010, and every six months thereafter, the department must
25 report to the relevant policy and fiscal committees of the legislature
26 on their progress towards meeting the ninety-day goal established in
27 this subsection.

28 (8) No person may be considered an eligible individual for
29 disability lifeline benefits with respect to any month if during that
30 month the person:

31 (a) Is fleeing to avoid prosecution of, or to avoid custody or
32 confinement for conviction of, a felony, or an attempt to commit a
33 felony, under the laws of the state of Washington or the place from
34 which the person flees; or

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

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

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

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.96A RCW
14 to read as follows:

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

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

26 PERMANENT HOUSING PILOT PROGRAM. The department, in collaboration
27 with the entity that has contracted with the department to provide
28 medical care services to disability lifeline clients, nonprofit housing
29 providers, and interested community-based organizations, shall submit
30 an implementation plan for a pilot program in up to two counties under
31 which homeless persons eligible for disability lifeline benefits will
32 receive housing services and a reduced monthly cash stipend, rather
33 than the full disability lifeline cash benefit. The plan must be
34 submitted to the governor and relevant policy and fiscal committees of
35 the legislature on or before November 15, 2010. If funding to
36 establish a pilot program as described in this section becomes

1 available before November 2010, the department and its collaborating
2 organizations may move forward with implementation and shall provide a
3 progress report to the legislature on or before November 15, 2010.

4 **Sec. 8.** RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended
5 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 ~~(C) Persons who are unemployable due to alcohol or drug addiction~~
2 ~~are not eligible for general assistance. Persons receiving general~~
3 ~~assistance on July 26, 1987, or becoming eligible for such assistance~~
4 ~~thereafter, due to an alcohol or drug-related incapacity, shall be~~
5 ~~referred to appropriate assessment, treatment, shelter, or supplemental~~
6 ~~security income referral services as authorized under chapter 74.50~~
7 ~~RCW. Referrals shall be made at the time of application or at the time~~
8 ~~of eligibility review. Alcoholic and drug addicted clients who are~~
9 ~~receiving general assistance on July 26, 1987, may remain on general~~
10 ~~assistance if they otherwise retain their eligibility until they are~~
11 ~~assessed for services under chapter 74.50 RCW. Subsection~~
12 ~~(6)(a)(ii)(B) of this section shall not be construed to prohibit the~~
13 ~~department from granting general assistance benefits to alcoholics and~~
14 ~~drug addicts who are incapacitated due to other physical or mental~~
15 ~~conditions that meet the eligibility criteria for the general~~
16 ~~assistance program;~~

17 ~~(iii) Are citizens or aliens lawfully admitted for permanent~~
18 ~~residence or otherwise residing in the United States under color of~~
19 ~~law; and~~

20 ~~(iv) Have furnished the department their social security account~~
21 ~~number. If the social security account number cannot be furnished~~
22 ~~because it has not been issued or is not known, an application for a~~
23 ~~number shall be made prior to authorization of assistance, and the~~
24 ~~social security number shall be provided to the department upon~~
25 ~~receipt.~~

26 ~~(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),~~
27 ~~and (c) of this section, general assistance shall be provided to the~~
28 ~~following recipients of federal aid assistance:~~

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

32 ~~(ii) To the extent authorized by the legislature in the biennial~~
33 ~~appropriations act, to recipients of temporary assistance for needy~~
34 ~~families whose needs are not being met because of a temporary reduction~~
35 ~~in monthly income below the entitled benefit payment level caused by~~
36 ~~loss or reduction of wages or unemployment compensation benefits or~~
37 ~~some other unforeseen circumstances. The amount of general assistance~~

1 authorized shall not exceed the difference between the entitled benefit
2 payment level and the amount of income actually received.

3 (c) General assistance shall be provided only to persons who are
4 not members of assistance units receiving federal aid assistance,
5 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
6 and will accept available services which can reasonably be expected to
7 enable the person to work or reduce the need for assistance unless
8 there is good cause to refuse. Failure to accept such services shall
9 result in termination until the person agrees to cooperate in accepting
10 such services and subject to the following maximum periods of
11 ineligibility after reapplication:

12 (i) First failure: One week;

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

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

15 (d) Persons found eligible for general assistance based on
16 incapacity from gainful employment may, if otherwise eligible, receive
17 general assistance pending application for federal supplemental
18 security income benefits. Any general assistance that is subsequently
19 duplicated by the person's receipt of supplemental security income for
20 the same period shall be considered a debt due the state and shall by
21 operation of law be subject to recovery through all available legal
22 remedies.

23 (e) The department shall adopt by rule medical criteria for general
24 assistance eligibility to ensure that eligibility decisions are
25 consistent with statutory requirements and are based on clear,
26 objective medical information.

27 (f) The process implementing the medical criteria shall involve
28 consideration of opinions of the treating or consulting physicians or
29 health care professionals regarding incapacity, and any eligibility
30 decision which rejects uncontroverted medical opinion must set forth
31 clear and convincing reasons for doing so.

32 (g) Recipients of general assistance based upon a finding of
33 incapacity from gainful employment who remain otherwise eligible shall
34 have their benefits discontinued unless the recipient demonstrates no
35 material improvement in their medical or mental condition. The
36 department may discontinue benefits when there was specific error in
37 the prior determination that found the recipient eligible by reason of
38 incapacitation. Recipients of general assistance based upon pregnancy

1 ~~who relinquish their child for adoption, remain otherwise eligible, and~~
2 ~~are not eligible to receive benefits under the federal temporary~~
3 ~~assistance for needy families program shall not have their benefits~~
4 ~~terminated until the end of the month in which the period of six weeks~~
5 ~~following the birth of the recipient's child falls. Recipients of the~~
6 ~~federal temporary assistance for needy families program who lose their~~
7 ~~eligibility solely because of the birth and relinquishment of the~~
8 ~~qualifying child may receive general assistance through the end of the~~
9 ~~month in which the period of six weeks following the birth of the child~~
10 ~~falls.~~

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

13 ~~(i) Is fleeing to avoid prosecution of, or to avoid custody or~~
14 ~~confinement for conviction of, a felony, or an attempt to commit a~~
15 ~~felony, under the laws of the state of Washington or the place from~~
16 ~~which the person flees; or~~

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

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

23 ~~((8)) (7) "Recipient"--Any person receiving assistance and in~~
24 ~~addition those dependents whose needs are included in the recipient's~~
25 ~~assistance.~~

26 ~~((9)) (8) "Standards of assistance"--The level of income required~~
27 ~~by an applicant or recipient to maintain a level of living specified by~~
28 ~~the department.~~

29 ~~((10)) (9) "Resource"--Any asset, tangible or intangible, owned~~
30 ~~by or available to the applicant at the time of application, which can~~
31 ~~be applied toward meeting the applicant's need, either directly or by~~
32 ~~conversion into money or its equivalent. The department may by rule~~
33 ~~designate resources that an applicant may retain and not be ineligible~~
34 ~~for public assistance because of such resources. Exempt resources~~
35 ~~shall include, but are not limited to:~~

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

38 ~~(b) Household furnishings and personal effects;~~

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

3 (d) A motor vehicle necessary to transport a (~~physically~~
4 ~~disabled~~) household member with a physical disability. This exclusion
5 is limited to one vehicle per (~~physically disabled~~) person with a
6 physical disability;

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

14 (f) Applicants for or recipients of (~~general assistance~~)
15 disability lifeline benefits shall have their eligibility based on
16 resource limitations consistent with the temporary assistance for needy
17 families program rules adopted by the department; and

18 (g) If an applicant for or recipient of public assistance possesses
19 property and belongings in excess of the ceiling value, such value
20 shall be used in determining the need of the applicant or recipient,
21 except that: (i) The department may exempt resources or income when
22 the income and resources are determined necessary to the applicant's or
23 recipient's restoration to independence, to decrease the need for
24 public assistance, or to aid in rehabilitating the applicant or
25 recipient or a dependent of the applicant or recipient; and (ii) the
26 department may provide grant assistance for a period not to exceed nine
27 months from the date the agreement is signed pursuant to this section
28 to persons who are otherwise ineligible because of excess real property
29 owned by such persons when they are making a good faith effort to
30 dispose of that property: PROVIDED, That:

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

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

37 (C) Applicants and recipients are advised of their right to a fair

1 hearing and afforded the opportunity to challenge a decision that good
2 faith efforts to sell have ceased, prior to assessment of an
3 overpayment under this section; and

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

6 ~~((+11+))~~ (10) "Income"--(a) All appreciable gains in real or
7 personal property (cash or kind) or other assets, which are received by
8 or become available for use and enjoyment by an applicant or recipient
9 during the month of application or after applying for or receiving
10 public assistance. The department may by rule and regulation exempt
11 income received by an applicant for or recipient of public assistance
12 which can be used by him or her to decrease his or her need for public
13 assistance or to aid in rehabilitating him or her or his or her
14 dependents, but such exemption shall not, unless otherwise provided in
15 this title, exceed the exemptions of resources granted under this
16 chapter to an applicant for public assistance. In addition, for cash
17 assistance the department may disregard income pursuant to RCW
18 74.08A.230 and 74.12.350.

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

24 ~~((+12+))~~ (11) "Need"--The difference between the applicant's or
25 recipient's standards of assistance for himself or herself and the
26 dependent members of his or her family, as measured by the standards of
27 the department, and value of all nonexempt resources and nonexempt
28 income received by or available to the applicant or recipient and the
29 dependent members of his or her family.

30 (12) "Disability lifeline program" means the program established in
31 section 4 of this act.

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

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

6 **Sec. 9.** RCW 10.101.010 and 1998 c 79 s 2 are each amended to read
7 as follows:

8 The following definitions shall be applied in connection with this
9 chapter:

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

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

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

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

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

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

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

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

35 (a) "Liquid assets" means cash, savings accounts, bank accounts,
36 stocks, bonds, certificates of deposit, equity in real estate, and

1 equity in motor vehicles. A motor vehicle necessary to maintain
2 employment and having a market value not greater than three thousand
3 dollars shall not be considered a liquid asset.

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

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

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

19 **Sec. 10.** RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are
20 each reenacted and amended to read as follows:

21 For purposes of this chapter:

22 (1) "Abandoned" means when the child's parent, guardian, or other
23 custodian has expressed, either by statement or conduct, an intent to
24 forego, for an extended period, parental rights or responsibilities
25 despite an ability to exercise such rights and responsibilities. If
26 the court finds that the petitioner has exercised due diligence in
27 attempting to locate the parent, no contact between the child and the
28 child's parent, guardian, or other custodian for a period of three
29 months creates a rebuttable presumption of abandonment, even if there
30 is no expressed intent to abandon.

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

33 (3) "Current placement episode" means the period of time that
34 begins with the most recent date that the child was removed from the
35 home of the parent, guardian, or legal custodian for purposes of
36 placement in out-of-home care and continues until: (a) The child

1 returns home; (b) an adoption decree, a permanent custody order, or
2 guardianship order is entered; or (c) the dependency is dismissed,
3 whichever occurs first.

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

6 (5) "Dependency guardian" means the person, nonprofit corporation,
7 or Indian tribe appointed by the court pursuant to this chapter for the
8 limited purpose of assisting the court in the supervision of the
9 dependency.

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

11 (a) Has been abandoned;

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

14 (c) Has no parent, guardian, or custodian capable of adequately
15 caring for the child, such that the child is in circumstances which
16 constitute a danger of substantial damage to the child's psychological
17 or physical development.

18 (7) "Developmental disability" means a disability attributable to
19 mental retardation, cerebral palsy, epilepsy, autism, or another
20 neurological or other condition of an individual found by the secretary
21 to be closely related to mental retardation or to require treatment
22 similar to that required for individuals with mental retardation, which
23 disability originates before the individual attains age eighteen, which
24 has continued or can be expected to continue indefinitely, and which
25 constitutes a substantial handicap to the individual.

26 (8) "Guardian" means the person or agency that: (a) Has been
27 appointed as the guardian of a child in a legal proceeding other than
28 a proceeding under this chapter; and (b) has the legal right to custody
29 of the child pursuant to such appointment. The term "guardian" shall
30 not include a "dependency guardian" appointed pursuant to a proceeding
31 under this chapter.

32 (9) "Guardian ad litem" means a person, appointed by the court to
33 represent the best interests of a child in a proceeding under this
34 chapter, or in any matter which may be consolidated with a proceeding
35 under this chapter. A "court-appointed special advocate" appointed by
36 the court to be the guardian ad litem for the child, or to perform
37 substantially the same duties and functions as a guardian ad litem,

1 shall be deemed to be guardian ad litem for all purposes and uses of
2 this chapter.

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

10 (11) "Housing assistance" means appropriate referrals by the
11 department or other supervising agencies to federal, state, local, or
12 private agencies or organizations, assistance with forms, applications,
13 or financial subsidies or other monetary assistance for housing. For
14 purposes of this chapter, "housing assistance" is not a remedial
15 service or time-limited family reunification service as described in
16 RCW 13.34.025(2).

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

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

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

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

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

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

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

1 (15) "Shelter care" means temporary physical care in a facility
2 licensed pursuant to RCW 74.15.030 or in a home not required to be
3 licensed pursuant to RCW 74.15.030.

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

8 (17) "Social study" means a written evaluation of matters relevant
9 to the disposition of the case and shall contain the following
10 information:

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

13 (b) A description of the specific services and activities, for both
14 the parents and child, that are needed in order to prevent serious harm
15 to the child; the reasons why such services and activities are likely
16 to be useful; the availability of any proposed services; and the
17 agency's overall plan for ensuring that the services will be delivered.
18 The description shall identify the services chosen and approved by the
19 parent;

20 (c) If removal is recommended, a full description of the reasons
21 why the child cannot be protected adequately in the home, including a
22 description of any previous efforts to work with the parents and the
23 child in the home; the in-home treatment programs that have been
24 considered and rejected; the preventive services, including housing
25 assistance, that have been offered or provided and have failed to
26 prevent the need for out-of-home placement, unless the health, safety,
27 and welfare of the child cannot be protected adequately in the home;
28 and the parents' attitude toward placement of the child;

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

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

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

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

5 **Sec. 11.** RCW 26.19.071 and 2009 c 84 s 3 are each amended to read
6 as follows:

7 (1) **Consideration of all income.** All income and resources of each
8 parent's household shall be disclosed and considered by the court when
9 the court determines the child support obligation of each parent. Only
10 the income of the parents of the children whose support is at issue
11 shall be calculated for purposes of calculating the basic support
12 obligation. Income and resources of any other person shall not be
13 included in calculating the basic support obligation.

14 (2) **Verification of income.** Tax returns for the preceding two
15 years and current paystubs shall be provided to verify income and
16 deductions. Other sufficient verification shall be required for income
17 and deductions which do not appear on tax returns or paystubs.

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

- 21 (a) Salaries;
- 22 (b) Wages;
- 23 (c) Commissions;
- 24 (d) Deferred compensation;
- 25 (e) Overtime, except as excluded for income in subsection (4)(h) of
26 this section;
- 27 (f) Contract-related benefits;
- 28 (g) Income from second jobs, except as excluded for income in
29 subsection (4)(h) of this section;
- 30 (h) Dividends;
- 31 (i) Interest;
- 32 (j) Trust income;
- 33 (k) Severance pay;
- 34 (l) Annuities;
- 35 (m) Capital gains;
- 36 (n) Pension retirement benefits;
- 37 (o) Workers' compensation;

- 1 (p) Unemployment benefits;
- 2 (q) Maintenance actually received;
- 3 (r) Bonuses;
- 4 (s) Social security benefits;
- 5 (t) Disability insurance benefits; and
- 6 (u) Income from self-employment, rent, royalties, contracts,
- 7 proprietorship of a business, or joint ownership of a partnership or
- 8 closely held corporation.

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

- 12 (a) Income of a new spouse or new domestic partner or income of
- 13 other adults in the household;
- 14 (b) Child support received from other relationships;
- 15 (c) Gifts and prizes;
- 16 (d) Temporary assistance for needy families;
- 17 (e) Supplemental security income;
- 18 (f) (~~General assistance~~) Disability lifeline benefits;
- 19 (g) Food stamps; and
- 20 (h) Overtime or income from second jobs beyond forty hours per week
- 21 averaged over a twelve-month period worked to provide for a current
- 22 family's needs, to retire past relationship debts, or to retire child
- 23 support debt, when the court finds the income will cease when the party
- 24 has paid off his or her debts.

25 Receipt of income and resources from temporary assistance for needy
26 families, supplemental security income, (~~general assistance~~)
27 disability lifeline benefits, and food stamps shall not be a reason to
28 deviate from the standard calculation.

29 (5) **Determination of net income.** The following expenses shall be
30 disclosed and deducted from gross monthly income to calculate net
31 monthly income:

- 32 (a) Federal and state income taxes;
- 33 (b) Federal insurance contributions act deductions;
- 34 (c) Mandatory pension plan payments;
- 35 (d) Mandatory union or professional dues;
- 36 (e) State industrial insurance premiums;
- 37 (f) Court-ordered maintenance to the extent actually paid;

1 (g) Up to five thousand dollars per year in voluntary retirement
2 contributions actually made if the contributions show a pattern of
3 contributions during the one-year period preceding the action
4 establishing the child support order unless there is a determination
5 that the contributions were made for the purpose of reducing child
6 support; and

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

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

12 (6) **Imputation of income.** The court shall impute income to a
13 parent when the parent is voluntarily unemployed or voluntarily
14 underemployed. The court shall determine whether the parent is
15 voluntarily underemployed or voluntarily unemployed based upon that
16 parent's work history, education, health, and age, or any other
17 relevant factors. A court shall not impute income to a parent who is
18 gainfully employed on a full-time basis, unless the court finds that
19 the parent is voluntarily underemployed and finds that the parent is
20 purposely underemployed to reduce the parent's child support
21 obligation. Income shall not be imputed for an unemployable parent.
22 Income shall not be imputed to a parent to the extent the parent is
23 unemployed or significantly underemployed due to the parent's efforts
24 to comply with court-ordered reunification efforts under chapter 13.34
25 RCW or under a voluntary placement agreement with an agency supervising
26 the child. In the absence of records of a parent's actual earnings,
27 the court shall impute a parent's income in the following order of
28 priority:

29 (a) Full-time earnings at the current rate of pay;

30 (b) Full-time earnings at the historical rate of pay based on
31 reliable information, such as employment security department data;

32 (c) Full-time earnings at a past rate of pay where information is
33 incomplete or sporadic;

34 (d) Full-time earnings at minimum wage in the jurisdiction where
35 the parent resides if the parent has a recent history of minimum wage
36 earnings, is recently coming off public assistance, (~~general~~
37 ~~assistance-unemployable~~) disability lifeline benefits, supplemental

1 security income, or disability, has recently been released from
2 incarceration, or is a high school student;

3 (e) Median net monthly income of year-round full-time workers as
4 derived from the United States bureau of census, current population
5 reports, or such replacement report as published by the bureau of
6 census.

7 **Sec. 12.** RCW 31.04.540 and 2009 c 149 s 8 are each amended to read
8 as follows:

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

15 (2) Undisbursed reverse mortgage funds must be treated as equity in
16 the borrower's home and not as proceeds from a loan, resources, or
17 assets for the purpose of determining eligibility and benefits under
18 means-tested programs of aid to individuals.

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

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

29 (~~General assistance~~) Disability lifeline benefits or temporary
30 assistance for needy families payments shall be made to otherwise
31 eligible individuals who are residing in a secure shelter, a housing
32 network or other shelter facility which provides shelter services to
33 persons who are victims of domestic violence. Provisions shall be made
34 by the department for the confidentiality of the shelter addresses
35 where victims are residing.

1 **Sec. 14.** RCW 73.08.005 and 2009 c 35 s 1 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

9 (2) "Family" means the spouse or domestic partner, surviving
10 spouse, surviving domestic partner, and dependent children of a living
11 or deceased veteran.

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

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

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

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

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

34 (5) "Veteran" has the same meaning as defined in RCW 41.04.005 and
35 41.04.007, and includes a current member of the national guard or armed
36 forces reserves who has been deployed to serve in an armed conflict.

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

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

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

9 **Sec. 15.** RCW 74.04.0052 and 1997 c 58 s 502 are each amended to
10 read as follows:

11 (1) The department shall determine, after consideration of all
12 relevant factors and in consultation with the applicant, the most
13 appropriate living situation for applicants under eighteen years of
14 age, unmarried, and pregnant who are eligible for (~~general assistance~~
15 ~~as defined in RCW 74.04.005(6)(a)(ii)(A))~~ disability lifeline
16 benefits. An appropriate living situation shall include a place of
17 residence that is maintained by the applicant's parents, parent, legal
18 guardian, or other adult relative as their or his or her own home and
19 that the department finds would provide an appropriate supportive
20 living arrangement. It also includes a living situation maintained by
21 an agency that is licensed under chapter 74.15 RCW that the department
22 finds would provide an appropriate supportive living arrangement.
23 Grant assistance shall not be provided under this chapter if the
24 applicant does not reside in the most appropriate living situation, as
25 determined by the department.

26 (2) A pregnant minor residing in the most appropriate living
27 situation, as provided under subsection (1) of this section, is
28 presumed to be unable to manage adequately the funds paid to the minor
29 or on behalf of the dependent child or children and, unless the minor
30 provides sufficient evidence to rebut the presumption, shall be subject
31 to the protective payee requirements provided for under RCW 74.12.250
32 and 74.08.280.

33 (3) The department shall consider any statements or opinions by
34 either parent of the unmarried minor parent or pregnant minor applicant
35 as to an appropriate living situation for the minor, whether in the
36 parental home or other situation. If the parents or a parent of the
37 minor request, they or he or she shall be entitled to a hearing in

1 juvenile court regarding designation of the parental home or other
2 relative placement as the most appropriate living situation for the
3 pregnant or parenting minor.

4 The department shall provide the parents or parent with the
5 opportunity to make a showing that the parental home, or home of the
6 other relative placement, is the most appropriate living situation. It
7 shall be presumed in any administrative or judicial proceeding
8 conducted under this subsection that the parental home or other
9 relative placement requested by the parents or parent is the most
10 appropriate living situation. This presumption is rebuttable.

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

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

19 **Sec. 16.** RCW 74.04.120 and 1979 c 141 s 301 are each amended to
20 read as follows:

21 Allocations of state and federal funds shall be made upon the basis
22 of need within the respective counties as disclosed by the quarterly
23 budgets, considered in conjunction with revenues available for the
24 satisfaction of that need: PROVIDED, That in preparing his quarterly
25 budget for federal aid assistance, the administrator shall include the
26 aggregate of the individual case load approved by the department to
27 date on the basis of need and the secretary shall approve and allocate
28 an amount sufficient to service the aggregate case load as included in
29 said budget, and in the event any portion of the budgeted case load
30 cannot be serviced with moneys available for the particular category
31 for which an application is made the committee may on the
32 administrator's request authorize the transfer of sufficient (~~general~~
33 ~~assistance~~) disability lifeline program funds to the appropriation for
34 such category to service such case load and secure the benefit of
35 federal matching funds.

1 **Sec. 17.** RCW 74.04.230 and 1982 c 204 s 16 are each amended to
2 read as follows:

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

7 **Sec. 18.** RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended
8 to read as follows:

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

15 **Sec. 19.** RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each
16 amended to read as follows:

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

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

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

30 (4) Any agreement between the department and a supplemental
31 security income applicant providing for the reimbursement of interim
32 assistance to the department shall provide, if the applicant has been
33 represented by an attorney, that twenty-five percent of the
34 reimbursement received shall be withheld by the department and all or
35 such portion thereof as has been approved as a fee by the United States
36 department of health and human services shall be released directly to

1 the applicant's attorney. The secretary may maintain such records as
2 are deemed appropriate to measure the cost and effectiveness of such
3 agreements and may make recommendations concerning the continued use of
4 such agreements to the legislature.

5 **Sec. 20.** RCW 74.04.770 and 1997 c 59 s 11 are each amended to read
6 as follows:

7 The department shall establish consolidated standards of need each
8 fiscal year which may vary by geographical areas, program, and family
9 size, for temporary assistance for needy families, refugee assistance,
10 supplemental security income, and (~~general assistance~~) disability
11 lifeline benefits. Standards for temporary assistance for needy
12 families, refugee assistance, and (~~general assistance~~) disability
13 lifeline benefits shall be based on studies of actual living costs and
14 generally recognized inflation indices and shall include reasonable
15 allowances for shelter, fuel, food, transportation, clothing, household
16 maintenance and operations, personal maintenance, and necessary
17 incidentals. The standard of need may take into account the economies
18 of joint living arrangements, but unless explicitly required by federal
19 statute, there shall not be proration of any portion of assistance
20 grants unless the amount of the grant standard is equal to the standard
21 of need.

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

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

28 The department may establish a separate standard for shelter
29 provided at no cost.

30 **Sec. 21.** RCW 74.08.043 and 1981 1st ex.s. c 6 s 12 are each
31 amended to read as follows:

32 In determining the living requirements of otherwise eligible
33 applicants and recipients of supplemental security income and (~~general~~
34 ~~assistance~~) disability lifeline benefits, the department is authorized
35 to consider the need for personal and special care and supervision due
36 to physical and mental conditions.

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

3 In order to comply with federal statutes and regulations pertaining
4 to federal matching funds and to provide for the prompt payment of
5 initial grants and adjusting payments of grants the secretary is
6 authorized to make provisions for the cash payment of assistance by the
7 secretary or county administrators by the establishment of a central
8 operating fund. The secretary may establish such a fund with the
9 approval of the state auditor from moneys appropriated to the
10 department for the payment of ((~~general assistance~~)) disability
11 lifeline benefits in a sum not to exceed one million dollars. Such
12 funds shall be deposited as agreed upon by the secretary and the state
13 auditor in accordance with the laws regulating the deposits of public
14 funds. Such security shall be required of the depository in connection
15 with the fund as the state treasurer may prescribe. Moneys remaining
16 in the fund shall be returned to the general fund at the end of the
17 biennium, or an accounting of proper expenditures from the fund shall
18 be made to the state auditor. All expenditures from such central
19 operating fund shall be reimbursed out of and charged to the proper
20 program appropriated by the use of such forms and vouchers as are
21 approved by the secretary of the department and the state auditor.
22 Expenditures from such fund shall be audited by the director of
23 financial management and the state auditor from time to time and a
24 report shall be made by the state auditor and the secretary as are
25 required by law.

26 **Sec. 23.** RCW 74.08.335 and 1997 c 59 s 13 are each amended to read
27 as follows:

28 Temporary assistance for needy families and ((~~general assistance~~))
29 disability lifeline benefits shall not be granted to any person who has
30 made an assignment or transfer of property for the purpose of rendering
31 himself or herself eligible for the assistance. There is a rebuttable
32 presumption that a person who has transferred or transfers any real or
33 personal property or any interest in property within two years of the
34 date of application for the assistance without receiving adequate
35 monetary consideration therefor, did so for the purpose of rendering
36 himself or herself eligible for the assistance. Any person who
37 transfers property for the purpose of rendering himself or herself

1 eligible for assistance, or any person who after becoming a recipient
2 transfers any property or any interest in property without the consent
3 of the secretary, shall be ineligible for assistance for a period of
4 time during which the reasonable value of the property so transferred
5 would have been adequate to meet the person's needs under normal
6 conditions of living: PROVIDED, That the secretary is hereby
7 authorized to allow exceptions in cases where undue hardship would
8 result from a denial of assistance.

9 **Sec. 24.** RCW 74.08A.210 and 1997 c 58 s 302 are each amended to
10 read as follows:

11 (1) In order to prevent some families from developing dependency on
12 temporary assistance for needy families, the department shall make
13 available to qualifying applicants a diversion program designed to
14 provide brief, emergency assistance for families in crisis whose income
15 and assets would otherwise qualify them for temporary assistance for
16 needy families.

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

19 (a) Child care;

20 (b) Housing assistance;

21 (c) Transportation-related expenses;

22 (d) Food;

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

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

26 (3) Diversion assistance is available once in each twelve-month
27 period for each adult applicant. Recipients of diversion assistance
28 are not included in the temporary assistance for needy families
29 program.

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

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

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

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

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

10 **Sec. 25.** RCW 74.09.010 and 2007 c 3 s 2 are each amended to read
11 as follows:

12 As used in this chapter:

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

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

22 (3) "County" means the board of county commissioners, county
23 council, county executive, or tribal jurisdiction, or its designee. A
24 combination of two or more county authorities or tribal jurisdictions
25 may enter into joint agreements to fulfill the requirements of RCW
26 74.09.415 through 74.09.435.

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

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

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

34 (7) "Limited casualty program" means the medical care program
35 provided to medically needy persons as defined under Title XIX of the
36 federal social security act, and to medically indigent persons who are

1 without income or resources sufficient to secure necessary medical
2 services.

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

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

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

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

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

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

21 **Sec. 26.** RCW 74.09.035 and 1987 c 406 s 12 are each amended to
22 read as follows:

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

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

33 (3) The department shall establish standards of assistance and
34 resource and income exemptions, which may include deductibles and co-
35 insurance provisions. In addition, the department may include a
36 prohibition against the voluntary assignment of property or cash for
37 the purpose of qualifying for assistance.

1 (4) Residents of skilled nursing homes, intermediate care
2 facilities, and intermediate care facilities for the mentally retarded,
3 as that term is described by federal law, who are eligible for medical
4 care services shall be provided medical services to the same extent as
5 provided to those persons eligible under the medical assistance
6 program.

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

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

14 **Sec. 27.** RCW 74.09.555 and 2005 c 503 s 12 are each amended to
15 read as follows:

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

23 (2) The department, in collaboration with the Washington
24 association of sheriffs and police chiefs, the department of
25 corrections, and the regional support networks, shall establish
26 procedures for coordination between department field offices,
27 institutions for mental disease, and correctional institutions, as
28 defined in RCW 9.94.049, that result in prompt reinstatement of
29 eligibility and speedy eligibility determinations for persons who are
30 likely to be eligible for medical assistance services upon release from
31 confinement. Procedures developed under this subsection must address:

32 (a) Mechanisms for receiving medical assistance services
33 applications on behalf of confined persons in anticipation of their
34 release from confinement;

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

1 (c) Mechanisms for providing medical assistance services identity
2 cards to persons eligible for medical assistance services immediately
3 upon their release from confinement; and

4 (d) Coordination with the federal social security administration,
5 through interagency agreements or otherwise, to expedite processing of
6 applications for federal supplemental security income or social
7 security disability benefits, including federal acceptance of
8 applications on behalf of confined persons.

9 (3) Where medical or psychiatric examinations during a person's
10 confinement indicate that the person is disabled, the correctional
11 institution or institution for mental diseases shall provide the
12 department with that information for purposes of making medical
13 assistance eligibility and enrollment determinations prior to the
14 person's release from confinement. The department shall, to the
15 maximum extent permitted by federal law, use the examination in making
16 its determination whether the person is disabled and eligible for
17 medical assistance.

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

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

24 (a) Was enrolled in medicaid or supplemental security income or
25 (~~general assistance~~) the disability lifeline program immediately
26 before he or she was confined and his or her enrollment was terminated
27 during his or her confinement; or

28 (b) Was enrolled in medicaid or supplemental security income or
29 (~~general assistance~~) the disability lifeline program at any time
30 during the five years before his or her confinement, and medical or
31 psychiatric examinations during the person's confinement indicate that
32 the person continues to be disabled and the disability is likely to
33 last at least twelve months following release.

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

1 **Sec. 28.** RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each
2 amended to read as follows:

3 (1) The department shall establish a shelter assistance program to
4 provide, within available funds, shelter for persons eligible under
5 this chapter. "Shelter," "shelter support," or "shelter assistance"
6 means a facility under contract to the department providing room and
7 board in a supervised living arrangement, normally in a group or
8 dormitory setting, to eligible recipients under this chapter. This may
9 include supervised domiciliary facilities operated under the auspices
10 of public or private agencies. No facility under contract to the
11 department shall allow the consumption of alcoholic beverages on the
12 premises. The department may contract with counties and cities for
13 such shelter services. To the extent possible, the department shall
14 not displace existing emergency shelter beds for use as shelter under
15 this chapter. In areas of the state in which it is not feasible to
16 develop shelters, due to low numbers of people needing shelter
17 services, or in which sufficient numbers of shelter beds are not
18 available, the department may provide shelter through an intensive
19 protective payee program, unless the department grants an exception on
20 an individual basis for less intense supervision.

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

26 NEW SECTION. **Sec. 29.** A new section is added to chapter 74.08A
27 RCW to read as follows:

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

1 NEW SECTION. **Sec. 30.** This act shall be known and cited as the
2 security lifeline act.

3 NEW SECTION. **Sec. 31.** Except for section 6 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. 32.** Section 6 of this act takes effect July 1,
8 2010.

9 NEW SECTION. **Sec. 33.** 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.

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