

ESHB 2082 - S AMD 477

By Senators Regala, Zarelli

ADOPTED 05/25/2011

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

3 "NEW SECTION. **Sec. 1. Intent.** (1) The legislature finds that:

4 (a) Persons who have a long-term disability and apply for federal
5 supplemental security income benefits should receive assistance while
6 their application for federal benefits is pending, with repayment from
7 the federal government of state-funded income assistance paid through
8 the aged, blind, or disabled assistance program;

9 (b) Persons who are incapacitated from gainful employment for an
10 extended period, but who may not meet the level of severity of a long-
11 term disability, are at increased risk of homelessness; and

12 (c) Persons who are homeless and suffering from significant medical
13 impairments, mental illness, or chemical dependency face substantial
14 barriers to successful participation in, and completion of, needed
15 medical or behavioral health treatment services. Stable housing
16 increases the likelihood of compliance with and completion of
17 treatment.

18 (2) Through this act, the legislature intends to:

19 (a) Terminate all components of the disability lifeline program
20 created in 2010 and codified in RCW 74.04.005 and create new programs:

21 (i) To provide financial grants through the aged, blind, and disabled
22 assistance program and the pregnant women assistance program; and (ii)
23 to provide services through the essential needs and housing support
24 program; and

25 (b) Increase opportunities to utilize limited public funding,
26 combined with private charitable and volunteer efforts to serve persons
27 who are recipients of the benefits provided by the new programs created
28 under this act.

1 NEW SECTION. **Sec. 2.** Effective October 31, 2011, the disability
2 lifeline program, as defined under chapter 74.04 RCW, is terminated and
3 all benefits provided under that program shall expire and cease to
4 exist.

5 NEW SECTION. **Sec. 3.** (1)(a) Effective November 1, 2011, the aged,
6 blind, or disabled assistance program shall provide financial grants to
7 persons in need who:

8 (i) Are not eligible to receive federal aid assistance, other than
9 basic food benefits transferred electronically and medical assistance;

10 (ii) Meet the eligibility requirements of subsection (3) of this
11 section; and

12 (iii) Are aged, blind, or disabled. For purposes of determining
13 eligibility for assistance for the aged, blind, or disabled assistance
14 program, the following definitions apply:

15 (A) "Aged" means age sixty-five or older.

16 (B) "Blind" means statutorily blind as defined for the purpose of
17 determining eligibility for the federal supplemental security income
18 program.

19 (C) "Disabled" means likely to meet the federal supplemental
20 security income disability standard. In making this determination, the
21 department should give full consideration to the cumulative impact of
22 an applicant's multiple impairments, an applicant's age, and vocational
23 and educational history.

24 In determining whether a person is disabled, the department may
25 rely on the following:

26 (I) A previous disability determination by the social security
27 administration or the disability determination service entity within
28 the department; or

29 (II) A determination that an individual is eligible to receive
30 optional categorically needy medicaid as a disabled person under the
31 federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

32 (b) The following persons are not eligible for the aged, blind, or
33 disabled assistance program:

34 (i) Persons who are not able to engage in gainful employment due
35 primarily to alcohol or drug addiction. These persons shall be
36 referred to appropriate assessment, treatment, shelter, or supplemental
37 security income referral services as authorized under chapter 74.50

1 RCW. Referrals shall be made at the time of application or at the time
2 of eligibility review. This subsection may not be construed to
3 prohibit the department from granting aged, blind, or disabled
4 assistance benefits to alcoholics and drug addicts who are
5 incapacitated due to other physical or mental conditions that meet the
6 eligibility criteria for the aged, blind, or disabled assistance
7 program; or

8 (ii) Persons for whom there has been a final determination of
9 ineligibility for federal supplemental security income benefits.

10 (c) Persons may receive aged, blind, or disabled assistance
11 benefits pending application for federal supplemental security income
12 benefits. The monetary value of any aged, blind, or disabled
13 assistance benefit that is subsequently duplicated by the person's
14 receipt of supplemental security income for the same period shall be
15 considered a debt due the state and shall by operation of law be
16 subject to recovery through all available legal remedies.

17 (2) Effective November 1, 2011, the pregnant women assistance
18 program shall provide financial grants to persons who:

19 (a) Are not eligible to receive federal aid assistance other than
20 basic food benefits or medical assistance; and

21 (b) Are pregnant and in need, based upon the current income and
22 resource standards of the federal temporary assistance for needy
23 families program, but are ineligible for federal temporary assistance
24 for needy families benefits for a reason other than failure to
25 cooperate in program requirements; and

26 (c) Meet the eligibility requirements of subsection (3) of this
27 section.

28 (3) To be eligible for the aged, blind, or disabled assistance
29 program under subsection (1) of this section or the pregnant women
30 assistance program under subsection (2) of this section, a person must:

31 (a) Be a citizen or alien lawfully admitted for permanent residence
32 or otherwise residing in the United States under color of law;

33 (b) Have furnished the department his or her social security
34 number. If the social security number cannot be furnished because it
35 has not been issued or is not known, an application for a number shall
36 be made prior to authorization of benefits, and the social security
37 number shall be provided to the department upon receipt;

1 (c) Have not refused or failed without good cause to participate in
2 drug or alcohol treatment if an assessment by a certified chemical
3 dependency counselor indicates a need for such treatment. Good cause
4 must be found to exist when a person's physical or mental condition, as
5 determined by the department, prevents the person from participating in
6 drug or alcohol dependency treatment, when needed outpatient drug or
7 alcohol treatment is not available to the person in the county of his
8 or her residence or when needed inpatient treatment is not available in
9 a location that is reasonably accessible for the person; and

10 (d) Not have refused or failed to cooperate in obtaining federal
11 aid assistance, without good cause.

12 (4) Effective November 1, 2011, referrals for essential needs and
13 housing support under section 4 of this act shall be provided to
14 persons found eligible for medical care services under RCW 74.09.035
15 who are not recipients of alcohol and addiction services provided under
16 chapter 74.50 RCW or are not recipients of aged, blind, or disabled
17 assistance.

18 (5) No person may be considered an eligible individual for benefits
19 under this section with respect to any month if during that month the
20 person:

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

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

28 (6) The department must review the cases of all persons, except
29 recipients of alcohol and addiction treatment under chapter 74.50 RCW,
30 or recipients of aged, blind, or disabled assistance, who have received
31 medical care services for twelve consecutive months, and at least
32 annually after the first review, to determine whether they are eligible
33 for the aged, blind, or disabled assistance program.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.185C
35 RCW to read as follows:

36 **Grants to local governments and community-based organizations for**
37 **essential needs and housing support.** (1) The department shall

1 distribute funds for the essential needs and housing support program
2 established under this section in a manner consistent with the
3 requirements of this section and the biennial operating budget. The
4 first distribution of funds must be completed by September 1, 2011.
5 Essential needs or housing support is only for persons found eligible
6 for such services under section 3(4) of this act and is not considered
7 an entitlement.

8 (2) The department shall distribute funds appropriated for the
9 essential needs and housing support program in the form of grants to
10 designated essential needs support and housing support entities within
11 each county. The department shall not distribute any funds until it
12 approves the expenditure plan submitted by the designated essential
13 needs support and housing support entities. The amount of funds to be
14 distributed pursuant to this section shall be designated in the
15 biennial operating budget. For the sole purpose of meeting the initial
16 distribution of funds date, the department may distribute partial funds
17 upon the department's approval of a preliminary expenditure plan. The
18 department shall not distribute the remaining funds until it has
19 approved a final expenditure plan.

20 (3)(a) During the 2011-2013 biennium, in awarding housing support
21 that is not funded through the contingency fund in this subsection, the
22 designated housing support entity shall provide housing support to
23 clients who are homeless persons as defined in RCW 43.185C.010. As
24 provided in the biennial operating budget for the 2011-2013 biennium,
25 a contingency fund shall be used solely for those clients who are at
26 substantial risk of losing stable housing or at substantial risk of
27 losing one of the other services defined in section 7(6) of this act.
28 For purposes of this chapter, "substantial risk" means the client has
29 provided documentation that he or she will lose his or her housing
30 within the next thirty days or that the services will be discontinued
31 within the next thirty days.

32 (b) After July 1, 2013, the designated housing support entity shall
33 give first priority to clients who are homeless persons as defined in
34 RCW 43.185C.010 and second priority to clients who would be at
35 substantial risk of losing stable housing without housing support.

36 (4) For each county, the department shall designate an essential
37 needs support entity and a housing support entity that will begin
38 providing these supports to medical care services program recipients on

1 November 1, 2011. Essential needs and housing support entities are not
2 required to provide assistance to every medical care services recipient
3 that is referred to the local entity or who meets the priority
4 standards in subsection (3) of this section.

5 (a) Each designated entity must be a local government or
6 community-based organization, and may administer the funding for
7 essential needs support, housing support, or both. Designated entities
8 have the authority to subcontract with qualified entities. Upon
9 request, and the approval of the department, two or more counties may
10 combine resources to more effectively deliver services.

11 (b) The department's designation process must include a review of
12 proficiency in managing housing or human services programs when
13 designating housing support entities.

14 (c) Within a county, if the department directly awards separate
15 grants to the designated housing support entity and the designated
16 essential needs support entity, the department shall determine the
17 amount allocated for essential needs support as directed in the
18 biennial operating budget.

19 (5)(a) Essential needs and housing support entities must use funds
20 distributed under this section as flexibly as is practicable to provide
21 essential needs items and housing support to recipients of the
22 essential needs and housing support program, subject to the
23 requirements of this section.

24 (b) Benefits provided under the essential needs and housing support
25 program shall not be provided to recipients in the form of cash
26 assistance.

27 (c) The appropriations by the legislature for the purposes of the
28 essential needs and housing support program established under this
29 section shall be based on forecasted program caseloads. The caseload
30 forecast council shall provide a courtesy forecast of the medical care
31 services recipient population that is homeless or is included in
32 reporting under subsection (7)(c)(iii) of this section. The department
33 may move funds between entities or between counties to reflect actual
34 caseload changes. In doing so, the department must: (i) Develop a
35 process for reviewing the caseload of designated essential needs and
36 housing support entities, and for redistributing grant funds from those
37 entities experiencing reduced actual caseloads to those with increased
38 actual caseloads; and (ii) inform all designated entities of the

1 redistribution process. Savings resulting from program caseload
2 attrition from the essential needs and housing support program shall
3 not result in increased per-client expenditures.

4 (d) Essential needs and housing support entities must partner with
5 other public and private organizations to maximize the beneficial
6 impact of funds distributed under this section, and should attempt to
7 leverage other sources of public and private funds to serve essential
8 needs and housing support recipients. Funds appropriated in the
9 operating budget for essential needs and housing support must be used
10 only to serve persons eligible to receive services under that program.

11 (6) The department shall use no more than five percent of the funds
12 for administration of the essential needs and housing support program.
13 Each essential needs and housing support entity shall use no more than
14 seven percent of the funds for administrative expenses.

15 (7) The department shall:

16 (a) Require housing support entities to enter data into the
17 homeless client management information system;

18 (b) Require essential needs support entities to report on services
19 provided under this section;

20 (c) In collaboration with the department of social and health
21 services, submit a report annually to the relevant policy and fiscal
22 committees of the legislature. A preliminary report shall be submitted
23 by December 31, 2011, and must include (c)(i), (iii), and (v) of this
24 subsection. Annual reports must be submitted beginning December 1,
25 2012, and must include:

26 (i) A description of the actions the department has taken to
27 achieve the objectives of this act;

28 (ii) The amount of funds used by the department to administer the
29 program;

30 (iii) Information on the housing status of essential needs and
31 housing support recipients served by housing support entities, and
32 individuals who have requested housing support but did not receive
33 housing support;

34 (iv) Grantee expenditure data related to administration and
35 services provided under this section; and

36 (v) Efforts made to partner with other entities and leverage
37 sources or public and private funds;

1 (d) Review the data submitted by the designated entities, and make
2 recommendations for program improvements and administrative
3 efficiencies. The department has the authority to designate
4 alternative entities as necessary due to performance or other
5 significant issues. Such change must only be made after consultation
6 with the department of social and health services and the impacted
7 entity.

8 (8) The department, counties, and essential needs and housing
9 support entities are not civilly or criminally liable and may not have
10 any penalty or cause of action of any nature arise against them related
11 to decisions regarding: (a) The provision or lack of provision of
12 housing or essential needs support; or (b) the type of housing
13 arrangement supported with funds allocated under this section, when the
14 decision was made in good faith and in the performance of the powers
15 and duties under this section. However, this section does not prohibit
16 legal actions against the department, county, or essential needs or
17 housing support entity to enforce contractual duties or obligations.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.185C
19 RCW to read as follows:

20 The department, in collaboration with the department of social and
21 health services, shall develop a mechanism through which the department
22 and local governments or community-based organizations can verify a
23 person has been determined eligible and remains eligible for medical
24 care services under RCW 74.09.035 by the department of social and
25 health services.

26 **Sec. 6.** RCW 74.09.035 and 2011 c 284 s 3 are each amended to read
27 as follows:

28 (1) To the extent of available funds, medical care services may be
29 provided to (~~recipients of disability lifeline benefits, persons~~
30 ~~denied disability lifeline benefits under RCW 74.04.005(5)(b) or~~
31 ~~74.04.655 who otherwise meet the requirements of RCW 74.04.005(5)(a),~~
32 ~~and recipients of alcohol and drug addiction services provided under~~
33 ~~chapter 74.50 RCW, in accordance with medical eligibility requirements~~
34 ~~established by the department.)):~~

35 (a) Persons who:

1 (i) Are incapacitated from gainful employment by reason of bodily
2 or mental infirmity that will likely continue for a minimum of ninety
3 days as determined by the department. The standard for incapacity in
4 this subsection, as evidenced by the ninety-day duration standard, is
5 not intended to be as stringent as federal supplemental security income
6 disability standards;

7 (ii) Are citizens or aliens lawfully admitted for permanent
8 residence or otherwise residing in the United States under color of
9 law;

10 (iii) Have furnished the department their social security number.
11 If the social security number cannot be furnished because it has not
12 been issued or is not known, an application for a number shall be made
13 prior to authorization of benefits, and the social security number
14 shall be provided to the department upon receipt;

15 (iv) Have countable income as described in RCW 74.04.005 at or
16 below four hundred twenty-eight dollars for a married couple or at or
17 below three hundred thirty-nine dollars for a single individual; and

18 (v) Do not have countable resources in excess of those described in
19 RCW 74.04.005.

20 (b) Persons eligible for the aged, blind, or disabled assistance
21 program authorized in section 3 of this act and who are not eligible
22 for medicaid under RCW 74.09.510.

23 (c) Persons eligible for alcohol and drug addiction services
24 provided under chapter 74.50 RCW, in accordance with medical
25 eligibility requirements established by the department.

26 (d) The following persons are not eligible for medical care
27 services:

28 (i) Persons who are unemployable due primarily to alcohol or drug
29 addiction, except as provided in (c) of this subsection. These persons
30 shall be referred to appropriate assessment, treatment, shelter, or
31 supplemental security income referral services as authorized under
32 chapter 74.50 RCW. Referrals shall be made at the time of application
33 or at the time of eligibility review. This subsection shall not be
34 construed to prohibit the department from granting medical care
35 services benefits to alcoholics and drug addicts who are incapacitated
36 due to other physical or mental conditions that meet the eligibility
37 criteria for medical care services;

1 (ii) Persons who refuse or fail to cooperate in obtaining federal
2 aid assistance, without good cause;

3 (iii) Persons who refuse or fail without good cause to participate
4 in drug or alcohol treatment if an assessment by a certified chemical
5 dependency counselor indicates a need for such treatment. Good cause
6 must be found to exist when a person's physical or mental condition, as
7 determined by the department, prevents the person from participating in
8 drug or alcohol dependency treatment, when needed outpatient drug or
9 alcohol treatment is not available to the person in the county of his
10 or her residence or when needed inpatient treatment is not available in
11 a location that is reasonably accessible for the person; and

12 (iv) Persons who are fleeing to avoid prosecution of, or to avoid
13 custody or confinement for conviction of, a felony, or an attempt to
14 commit a felony, under the laws of the state of Washington or the place
15 from which the person flees; or who are violating a condition of
16 probation, community supervision, or parole imposed under federal or
17 state law for a felony or gross misdemeanor conviction.

18 (e) For purposes of determining whether a person is incapacitated
19 from gainful employment under (a) of this subsection:

20 (i) The department shall adopt by rule medical criteria for
21 incapacity determinations to ensure that eligibility decisions are
22 consistent with statutory requirements and are based on clear,
23 objective medical information; and

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

29 (f) For purposes of reviewing a person's continuing eligibility and
30 in order to remain eligible for the program, persons who have been
31 found to have an incapacity from gainful employment must demonstrate
32 that there has been no material improvement in their medical or mental
33 health condition. The department may discontinue benefits when there
34 was specific error in the prior determination that found the person
35 eligible by reason of incapacitation.

36 (2) Enrollment in medical care services may not result in
37 expenditures that exceed the amount that has been appropriated in the
38 operating budget. If it appears that continued enrollment will result

1 in expenditures exceeding the appropriated level for a particular
2 fiscal year, the department may freeze new enrollment and establish a
3 waiting list of ((eligible)) persons who may receive benefits only when
4 sufficient funds are available. ~~((Upon implementation of a federal
5 medicaid 1115 waiver providing federal matching funds for medical care
6 services, persons subject to termination of disability lifeline
7 benefits under RCW 74.04.005(5)(h) remain enrolled in medical care
8 services and persons subject to denial of disability lifeline benefits
9 under RCW 74.04.005(5)(h) remain eligible for medical care services.~~

10 ~~(+2))~~ (3) Determination of the amount, scope, and duration of
11 medical care services shall be limited to coverage as defined by the
12 department, except that adult dental, and routine foot care shall not
13 be included unless there is a specific appropriation for these
14 services.

15 ~~((+3))~~ (4) The department shall enter into performance-based
16 contracts with one or more managed health care systems for the
17 provision of medical care services ~~((to recipients of disability
18 lifeline benefits))~~ under this section. The contract must provide for
19 integrated delivery of medical and mental health services.

20 ~~((+4))~~ (5) The department shall establish standards of assistance
21 and resource and income exemptions, which may include deductibles and
22 co- insurance provisions. In addition, the department may include a
23 prohibition against the voluntary assignment of property or cash for
24 the purpose of qualifying for assistance.

25 ~~((+5))~~ (6) Residents of skilled nursing homes, intermediate care
26 facilities, and intermediate care facilities for persons with
27 intellectual disabilities, as that term is described by federal law,
28 who are eligible for medical care services shall be provided medical
29 services to the same extent as provided to those persons eligible under
30 the medical assistance program.

31 ~~((+6) Eligibility for medical care services shall commence with the
32 date of certification for disability lifeline benefits or the date of
33 eligibility for alcohol and drug addiction services provided under
34 chapter 74.50 RCW.))~~

35 (7) Eligibility for medical care services shall commence with the
36 date of certification for medical care services, date of eligibility
37 for the aged, blind, or disabled assistance program provided under

1 section 3 of this act, or the date or eligibility for alcohol and drug
2 addiction services provided under chapter 74.50 RCW.

3 NEW SECTION. **Sec. 7.** For the purposes of this chapter, unless the
4 context indicates otherwise, the following definitions shall apply:

5 (1) "Aged, blind, and disabled assistance program" means the
6 program established under section 3 of this act.

7 (2) "Department" means the department of social and health
8 services.

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

11 (4) "Essential needs and housing support program" means the program
12 established under section 4 of this act.

13 (5) "Essential needs support" means personal health and hygiene
14 items, cleaning supplies, other necessary items and transportation
15 passes or tokens provided through an essential needs support entity
16 established under section 4 of this act.

17 (6) "Housing support" means assistance provided by a designated
18 housing support entity established under section 4 of this act to
19 maintain existing housing when the client is at substantial risk of
20 becoming homeless, to obtain housing, or to obtain heat, electricity,
21 natural gas, sewer, garbage, and water services when the client is at
22 substantial risk of losing these services.

23 (7) "Pregnant women assistance program" means the program
24 established under section 3 of this act.

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

30 **Sec. 8.** RCW 74.04.005 and 2010 1st sp.s. c 8 s 4 are each amended
31 to read as follows:

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

34 (1) "Public assistance" or "assistance"(~~(—)~~) means public aid to
35 persons in need thereof for any cause, including services, medical

1 care, assistance grants, disbursing orders, work relief, (~~disability~~
2 ~~lifeline~~) benefits under sections 3 and 4 of this act, and federal aid
3 assistance.

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

6 (3) "County or local office"(~~(—)~~) means the administrative office
7 for one or more counties or designated service areas.

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

10 (5) "~~(Disability lifeline)~~ Essential needs and housing support
11 program" means (~~a program that provides aid and support in accordance~~
12 ~~with the conditions set out in this subsection.~~

13 ~~(a) Aid and assistance shall be provided to persons who are not~~
14 ~~eligible to receive federal aid assistance, other than basic food~~
15 ~~benefits transferred electronically and medical assistance and meet one~~
16 ~~of the following conditions:~~

17 ~~(i) Are pregnant and in need, based upon the current income and~~
18 ~~resource requirements of the federal temporary assistance for needy~~
19 ~~families program; or~~

20 ~~(ii) Are incapacitated from gainful employment by reason of bodily~~
21 ~~or mental infirmity that will likely continue for a minimum of ninety~~
22 ~~days as determined by the department. The standard for incapacity in~~
23 ~~this subsection, as evidenced by the ninety-day duration standard, is~~
24 ~~not intended to be as stringent as federal supplemental security income~~
25 ~~disability standards; and~~

26 ~~(A) Are citizens or aliens lawfully admitted for permanent~~
27 ~~residence or otherwise residing in the United States under color of~~
28 ~~law;~~

29 ~~(B) Have furnished the department their social security number. If~~
30 ~~the social security number cannot be furnished because it has not been~~
31 ~~issued or is not known, an application for a number shall be made prior~~
32 ~~to authorization of benefits, and the social security number shall be~~
33 ~~provided to the department upon receipt;~~

34 ~~(C) Have not refused or failed without good cause to participate in~~
35 ~~drug or alcohol treatment if an assessment by a certified chemical~~
36 ~~dependency counselor indicates a need for such treatment. Good cause~~
37 ~~must be found to exist when a person's physical or mental condition, as~~
38 ~~determined by the department, prevents the person from participating in~~

1 ~~drug or alcohol dependency treatment, when needed outpatient drug or~~
2 ~~alcohol treatment is not available to the person in the county of his~~
3 ~~or her residence or when needed inpatient treatment is not available in~~
4 ~~a location that is reasonably accessible for the person; and~~

5 ~~(D) Have not refused or failed without good cause to participate in~~
6 ~~vocational rehabilitation services, if an assessment conducted under~~
7 ~~RCW 74.04.655 indicates that the person might benefit from such~~
8 ~~services. Good cause must be found to exist when a person's physical~~
9 ~~or mental condition, as determined by the department, prevents the~~
10 ~~person from participating in vocational rehabilitation services, or~~
11 ~~when vocational rehabilitation services are not available to the person~~
12 ~~in the county of his or her residence.~~

13 ~~(b)(i) Persons who initially apply and are found eligible for~~
14 ~~disability lifeline benefits based upon incapacity from gainful~~
15 ~~employment under (a) of this subsection on or after September 2, 2010,~~
16 ~~who are homeless and have been assessed as needing chemical dependency~~
17 ~~or mental health treatment or both, must agree, as a condition of~~
18 ~~eligibility for the disability lifeline program, to accept a housing~~
19 ~~voucher in lieu of a cash grant if a voucher is available. The~~
20 ~~department shall establish the dollar value of the housing voucher.~~
21 ~~The dollar value of the housing voucher may differ from the value of~~
22 ~~the cash grant. Persons receiving a housing voucher under this~~
23 ~~subsection also shall receive a cash stipend of fifty dollars per~~
24 ~~month.~~

25 ~~(ii) If the department of commerce has determined under RCW~~
26 ~~43.330.175 that sufficient housing is not available, persons described~~
27 ~~in this subsection who apply for disability lifeline benefits during~~
28 ~~the time period that housing is not available shall receive a cash~~
29 ~~grant in lieu of a cash stipend and housing voucher.~~

30 ~~(iii) Persons who refuse to accept a housing voucher under this~~
31 ~~subsection but otherwise meet the eligibility requirements of (a) of~~
32 ~~this subsection are eligible for medical care services benefits under~~
33 ~~RCW 74.09.035, subject to the time limits in (h) of this subsection.~~

34 ~~(c) The following persons are not eligible for the disability~~
35 ~~lifeline program:~~

36 ~~(i) Persons who are unemployable due primarily to alcohol or drug~~
37 ~~addiction. These persons shall be referred to appropriate assessment,~~
38 ~~treatment, shelter, or supplemental security income referral services~~

1 as authorized under chapter 74.50 RCW. Referrals shall be made at the
2 time of application or at the time of eligibility review. This
3 subsection shall not be construed to prohibit the department from
4 granting disability lifeline benefits to alcoholics and drug addicts
5 who are incapacitated due to other physical or mental conditions that
6 meet the eligibility criteria for the disability lifeline program;

7 (ii) Persons who refuse or fail to cooperate in obtaining federal
8 aid assistance, without good cause.

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

18 (i) First failure: One week;

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

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

21 (e) Persons who are likely eligible for federal supplemental
22 security income benefits shall be moved into the disability lifeline
23 expedited component of the disability lifeline program. Persons placed
24 in the expedited component of the program may, if otherwise eligible,
25 receive disability lifeline benefits pending application for federal
26 supplemental security income benefits. The monetary value of any
27 disability lifeline benefit that is subsequently duplicated by the
28 person's receipt of supplemental security income for the same period
29 shall be considered a debt due the state and shall by operation of law
30 be subject to recovery through all available legal remedies.

31 (f) For purposes of determining whether a person is incapacitated
32 from gainful employment under (a) of this subsection:

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

37 (ii) The process implementing the medical criteria shall involve
38 consideration of opinions of the treating or consulting physicians or

1 health care professionals regarding incapacity, and any eligibility
2 decision which rejects uncontroverted medical opinion must set forth
3 clear and convincing reasons for doing so.

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

11 (h)(i) Beginning September 1, 2010, no person who is currently
12 receiving or becomes eligible for disability lifeline program benefits
13 shall be eligible to receive benefits under the program for more than
14 twenty four months in a sixty month period. For purposes of this
15 subsection, months of receipt of general assistance unemployable
16 benefits count toward the twenty four month limit. Months during which
17 a person received benefits under the expedited component of the
18 disability lifeline or general assistance program or under the aged,
19 blind, or disabled component of the disability lifeline or general
20 assistance program shall not be included when determining whether a
21 person has been receiving benefits for more than twenty four months.
22 On or before July 1, 2010, the department must review the cases of all
23 persons who have received disability lifeline benefits or general
24 assistance unemployable benefits for at least twenty months as of that
25 date. On or before September 1, 2010, the department must review the
26 cases of all remaining persons who have received disability lifeline
27 benefits for at least twelve months as of that date. The review should
28 determine whether the person meets the federal supplemental security
29 income disability standard and, if the person does not meet that
30 standard, whether the receipt of additional services could lead to
31 employability. If a need for additional services is identified, the
32 department shall provide case management services, such as assistance
33 with arranging transportation or locating stable housing, that will
34 facilitate the person's access to needed services. A person may not be
35 determined ineligible due to exceeding the time limit unless he or she
36 has received a case review under this subsection finding that the
37 person does not meet the federal supplemental security income
38 disability standard.

1 ~~(ii) The time limits established under this subsection expire June~~
2 ~~30, 2013.~~

3 ~~(i) No person may be considered an eligible individual for~~
4 ~~disability lifeline benefits with respect to any month if during that~~
5 ~~month the person:~~

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

10 ~~(ii) Is violating a condition of probation, community supervision,~~
11 ~~or parole imposed under federal or state law for a felony or gross~~
12 ~~misdemeanor conviction)) the program established in section 4 of this~~
13 ~~act.~~

14 (6) (~~"Disability lifeline expedited" means a component of the~~
15 ~~disability lifeline program under which persons receiving disability~~
16 ~~lifeline benefits have been determined, after examination by an~~
17 ~~appropriate health care provider, to be likely to be eligible for~~
18 ~~federal supplemental security income benefits based on medical and~~
19 ~~behavioral health evidence that meets the disability standards used for~~
20 ~~the federal supplemental security income program.~~

21 ~~(7)) "Aged, blind, or disabled assistance program" means the~~
22 ~~program established under section 3 of this act.~~

23 (7) "Federal aid assistance"((—)) means the specific categories of
24 assistance for which provision is made in any federal law existing or
25 hereafter passed by which payments are made from the federal government
26 to the state in aid or in respect to payment by the state for public
27 assistance rendered to any category of needy persons for which
28 provision for federal funds or aid may from time to time be made, or a
29 federally administered needs-based program.

30 (8) "Applicant"((—)) means any person who has made a request, or
31 on behalf of whom a request has been made, to any county or local
32 office for assistance.

33 (9) "Recipient"((—)) means any person receiving assistance and in
34 addition those dependents whose needs are included in the recipient's
35 assistance.

36 (10) "Standards of assistance"((—)) means the level of income
37 required by an applicant or recipient to maintain a level of living
38 specified by the department.

1 (11) "Resource"((—)) means any asset, tangible or intangible,
2 owned by or available to the applicant at the time of application,
3 which can be applied toward meeting the applicant's need, either
4 directly or by conversion into money or its equivalent. The department
5 may by rule designate resources that an applicant may retain and not be
6 ineligible for public assistance because of such resources. Exempt
7 resources shall include, but are not limited to:

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

10 (b) Household furnishings and personal effects;

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

13 (d) A motor vehicle necessary to transport a household member with
14 a physical disability. This exclusion is limited to one vehicle per
15 person with a physical disability;

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

23 (f) Applicants for or recipients of ((~~disability~~—lifeline))
24 benefits under sections 3 and 4 of this act shall have their
25 eligibility based on resource limitations consistent with the temporary
26 assistance for needy families program rules adopted by the department;
27 and

28 (g) If an applicant for or recipient of public assistance possesses
29 property and belongings in excess of the ceiling value, such value
30 shall be used in determining the need of the applicant or recipient,
31 except that: (i) The department may exempt resources or income when
32 the income and resources are determined necessary to the applicant's or
33 recipient's restoration to independence, to decrease the need for
34 public assistance, or to aid in rehabilitating the applicant or
35 recipient or a dependent of the applicant or recipient; and (ii) the
36 department may provide grant assistance for a period not to exceed nine
37 months from the date the agreement is signed pursuant to this section

1 to persons who are otherwise ineligible because of excess real property
2 owned by such persons when they are making a good faith effort to
3 dispose of that property(~~(:—PROVIDED, That)~~) if:

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

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

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

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

16 (12) "Income"(~~(—)~~) means:

17 (a) All appreciable gains in real or personal property (cash or
18 kind) or other assets, which are received by or become available for
19 use and enjoyment by an applicant or recipient during the month of
20 application or after applying for or receiving public assistance. The
21 department may by rule and regulation exempt income received by an
22 applicant for or recipient of public assistance which can be used by
23 him or her to decrease his or her need for public assistance or to aid
24 in rehabilitating him or her or his or her dependents, but such
25 exemption shall not, unless otherwise provided in this title, exceed
26 the exemptions of resources granted under this chapter to an applicant
27 for public assistance. In addition, for cash assistance the department
28 may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

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

34 (13) "Need"(~~(—)~~) means the difference between the applicant's or
35 recipient's standards of assistance for himself or herself and the
36 dependent members of his or her family, as measured by the standards of
37 the department, and value of all nonexempt resources and nonexempt

1 income received by or available to the applicant or recipient and the
2 dependent members of his or her family.

3 (14) For purposes of determining eligibility for public assistance
4 and participation levels in the cost of medical care, the department
5 shall exempt restitution payments made to people of Japanese and Aleut
6 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
7 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
8 including all income and resources derived therefrom.

9 (15) In the construction of words and phrases used in this title,
10 the singular number shall include the plural, the masculine gender
11 shall include both the feminine and neuter genders, and the present
12 tense shall include the past and future tenses, unless the context
13 thereof shall clearly indicate to the contrary.

14 **Sec. 9.** RCW 74.09.510 and 2010 c 94 s 24 are each amended to read
15 as follows:

16 Medical assistance may be provided in accordance with eligibility
17 requirements established by the department, as defined in the social
18 security Title XIX state plan for mandatory categorically needy persons
19 and:

20 (1) Individuals who would be eligible for cash assistance except
21 for their institutional status;

22 (2) Individuals who are under twenty-one years of age, who would be
23 eligible for medicaid, but do not qualify as dependent children and who
24 are in (a) foster care, (b) subsidized adoption, (c) a nursing facility
25 or an intermediate care facility for persons with intellectual
26 disabilities, or (d) inpatient psychiatric facilities;

27 (3) Individuals who:

28 (a) Are under twenty-one years of age;

29 (b) On or after July 22, 2007, were in foster care under the legal
30 responsibility of the department or a federally recognized tribe
31 located within the state; and

32 (c) On their eighteenth birthday, were in foster care under the
33 legal responsibility of the department or a federally recognized tribe
34 located within the state;

35 (4) Persons who are aged, blind, or disabled who: (a) Receive only
36 a state supplement, or (b) would not be eligible for cash assistance if
37 they were not institutionalized;

1 (5) Categorically eligible individuals who meet the income and
2 resource requirements of the cash assistance programs;

3 (6) Individuals who are enrolled in managed health care systems,
4 who have otherwise lost eligibility for medical assistance, but who
5 have not completed a current six-month enrollment in a managed health
6 care system, and who are eligible for federal financial participation
7 under Title XIX of the social security act;

8 (7) Children and pregnant women allowed by federal statute for whom
9 funding is appropriated;

10 (8) Working individuals with disabilities authorized under section
11 1902(a)(10)(A)(ii) of the social security act for whom funding is
12 appropriated;

13 (9) Other individuals eligible for medical services under RCW
14 74.09.035 based on age, blindness, or disability and income and
15 resources standards for medical care services and 74.09.700 for whom
16 federal financial participation is available under Title XIX of the
17 social security act;

18 (10) Persons allowed by section 1931 of the social security act for
19 whom funding is appropriated; and

20 (11) Women who: (a) Are under sixty-five years of age; (b) have
21 been screened for breast and cervical cancer under the national breast
22 and cervical cancer early detection program administered by the
23 department of health or tribal entity and have been identified as
24 needing treatment for breast or cervical cancer; and (c) are not
25 otherwise covered by health insurance. Medical assistance provided
26 under this subsection is limited to the period during which the woman
27 requires treatment for breast or cervical cancer, and is subject to any
28 conditions or limitations specified in the omnibus appropriations act.

29 **Sec. 10.** RCW 74.50.055 and 1989 1st ex.s. c 18 s 4 are each
30 amended to read as follows:

31 (1) A person shall not be eligible for treatment services under
32 this chapter unless he or she:

33 (a) Meets the (~~financial~~) income and resource eligibility
34 requirements (~~contained in RCW 74.04.005~~) for the medical care
35 services program under RCW 74.09.035(1)(a)(iv) and (v); and

36 (b) Is incapacitated from gainful employment, which incapacity will
37 likely continue for a minimum of sixty days.

1 (2) First priority for receipt of treatment services shall be given
2 to pregnant women and parents of young children.

3 (3) In order to rationally allocate treatment services, the
4 department may establish by rule caseload ceilings and additional
5 eligibility criteria, including the setting of priorities among classes
6 of persons for the receipt of treatment services. Any such rules shall
7 be consistent with any conditions or limitations contained in any
8 appropriations for treatment services.

9 **Sec. 11.** RCW 70.96A.530 and 2010 1st sp.s. c 8 s 10 are each
10 amended to read as follows:

11 If an assessment by a certified chemical dependency counselor
12 indicates a need for drug or alcohol treatment, in order to enable a
13 person receiving (~~(disability lifeline)~~) benefits under sections 3 and
14 4 of this act to improve his or her health status and transition from
15 (~~(disability lifeline)~~) those benefits to employment, or transition to
16 federal disability benefits, the person must be given high priority for
17 enrollment in treatment, within funds appropriated for that treatment.
18 However, first priority for receipt of treatment services must be given
19 to pregnant women and parents of young children. This section expires
20 June 30, 2013. (~~(Persons who are terminated from disability lifeline~~
21 ~~benefits under RCW 74.04.005(5)(h) and are actively engaged in chemical~~
22 ~~dependency treatment during the month they are terminated shall be~~
23 ~~provided the opportunity to complete their current course of~~
24 ~~treatment.))~~)

25 **Sec. 12.** RCW 10.101.010 and 2010 1st sp.s. c 8 s 12 are each
26 amended to read as follows:

27 The following definitions shall be applied in connection with this
28 chapter:

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

31 (a) Receiving one of the following types of public assistance:
32 Temporary assistance for needy families, (~~(disability lifeline)~~) aged,
33 blind, or disabled assistance benefits, medical care services under RCW
34 74.09.035, pregnant women assistance benefits, poverty-related
35 veterans' benefits, food stamps or food stamp benefits transferred

1 electronically, refugee resettlement benefits, medicaid, or
2 supplemental security income; or

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

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

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

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

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

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

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

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

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

37 (d) "Basic living costs" means the average monthly amount spent by

1 the defendant for reasonable payments toward living costs, such as
2 shelter, food, utilities, health care, transportation, clothing, loan
3 payments, support payments, and court-imposed obligations.

4 **Sec. 13.** RCW 13.34.030 and 2011 c 330 s 3 and 2011 c 309 s 22 are
5 each reenacted and amended to read as follows:

6 For purposes of this chapter:

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

16 (2) "Child," "juvenile," and "youth" means:

17 (a) Any individual under the age of eighteen years; or

18 (b) Any individual age eighteen to twenty-one years who is eligible
19 to receive and who elects to receive the extended foster care services
20 authorized under RCW 74.13.031. A youth who remains dependent and who
21 receives extended foster care services under RCW 74.13.031 shall not be
22 considered a "child" under any other statute or for any other purpose.

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

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

32 (5) "Dependency guardian" means the person, nonprofit corporation,
33 or Indian tribe appointed by the court pursuant to this chapter for the
34 limited purpose of assisting the court in the supervision of the
35 dependency.

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

37 (a) Has been abandoned;

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

3 (c) Has no parent, guardian, or custodian capable of adequately
4 caring for the child, such that the child is in circumstances which
5 constitute a danger of substantial damage to the child's psychological
6 or physical development; or

7 (d) Is receiving extended foster care services, as authorized by
8 RCW 74.13.031.

9 (7) "Developmental disability" means a disability attributable to
10 intellectual disability, cerebral palsy, epilepsy, autism, or another
11 neurological or other condition of an individual found by the secretary
12 to be closely related to an intellectual disability or to require
13 treatment similar to that required for individuals with intellectual
14 disabilities, which disability originates before the individual attains
15 age eighteen, which has continued or can be expected to continue
16 indefinitely, and which constitutes a substantial limitation to the
17 individual.

18 (8) "Guardian" means the person or agency that: (a) Has been
19 appointed as the guardian of a child in a legal proceeding, including
20 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
21 legal right to custody of the child pursuant to such appointment. The
22 term "guardian" does not include a "dependency guardian" appointed
23 pursuant to a proceeding under this chapter.

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

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

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

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

10 (a) Receiving one of the following types of public assistance:
11 Temporary assistance for needy families, (~~(disability lifeline)~~) aged,
12 blind, or disabled assistance benefits, medical care services under RCW
13 74.09.035, pregnant women assistance benefits, poverty-related
14 veterans' benefits, food stamps or food stamp benefits transferred
15 electronically, refugee resettlement benefits, medicaid, or
16 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 federally established poverty level; or

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

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

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

31 (15) "Shelter care" means temporary physical care in a facility
32 licensed pursuant to RCW 74.15.030 or in a home not required to be
33 licensed pursuant to RCW 74.15.030.

34 (16) "Sibling" means a child's birth brother, birth sister,
35 adoptive brother, adoptive sister, half-brother, or half-sister, or as
36 defined by the law or custom of the Indian child's tribe for an Indian
37 child as defined in (~~(section 4 of this act)~~) RCW 13.---.--- (section 4,
38 chapter 309, Laws of 2011).

1 (17) "Social study" means a written evaluation of matters relevant
2 to the disposition of the case and shall contain the following
3 information:

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

6 (b) A description of the specific services and activities, for both
7 the parents and child, that are needed in order to prevent serious harm
8 to the child; the reasons why such services and activities are likely
9 to be useful; the availability of any proposed services; and the
10 agency's overall plan for ensuring that the services will be delivered.
11 The description shall identify the services chosen and approved by the
12 parent;

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

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

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

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

31 (18) "Supervising agency" means an agency licensed by the state
32 under RCW 74.15.090, or licensed by a federally recognized Indian tribe
33 located in this state under RCW 74.15.190, that has entered into a
34 performance-based contract with the department to provide case
35 management for the delivery and documentation of child welfare services
36 as defined in RCW 74.13.020.

37 (19) "Extended foster care services" means residential and other

1 support services the department is authorized to provide under RCW
2 74.13.031.

3 **Sec. 14.** RCW 26.19.071 and 2010 1st sp.s. c 8 s 14 are each
4 amended to read as follows:

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

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

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

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

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

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

- 10 (a) Income of a new spouse or new domestic partner or income of
- 11 other adults in the household;
- 12 (b) Child support received from other relationships;
- 13 (c) Gifts and prizes;
- 14 (d) Temporary assistance for needy families;
- 15 (e) Supplemental security income;
- 16 (f) ~~((Disability lifeline))~~ Aged, blind, or disabled assistance
- 17 benefits;
- 18 (g) Pregnant women assistance benefits;
- 19 (h) Food stamps; and

20 ~~((h))~~ (i) Overtime or income from second jobs beyond forty hours
21 per week averaged over a twelve-month period worked to provide for a
22 current family's needs, to retire past relationship debts, or to retire
23 child support debt, when the court finds the income will cease when the
24 party has paid off his or her debts.

25 Receipt of income and resources from temporary assistance for needy
26 families, supplemental security income, ~~((disability lifeline))~~ aged,
27 blind, or disabled assistance benefits, and food stamps shall not be a
28 reason to 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, (~~disability~~
37 lifeline)) aged, blind, or disabled assistance benefits, pregnant women

1 assistance benefits, essential needs and housing support, supplemental
2 security income, or disability, has recently been released from
3 incarceration, or is a high school student;

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

8 **Sec. 15.** RCW 31.04.540 and 2010 1st sp.s. c 8 s 15 are each
9 amended to read as follows:

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

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

20 (3) This section applies to any law or program relating to
21 payments, allowances, benefits, or services provided on a means-tested
22 basis by this state including, but not limited to, optional state
23 supplements to the federal supplemental security income program, low-
24 income energy assistance, property tax relief, (~~disability lifeline~~
25 ~~benefits~~) aged, blind, or disabled assistance benefits, pregnant women
26 assistance benefits, essential needs and housing support, and medical
27 assistance only to the extent this section does not conflict with Title
28 19 of the federal social security act.

29 **Sec. 16.** RCW 70.123.110 and 2010 1st sp.s. c 8 s 16 are each
30 amended to read as follows:

31 (~~Disability lifeline~~) Aged, blind, or disabled assistance
32 benefits, essential needs and housing support benefits, pregnant women
33 assistance benefits, or temporary assistance for needy families
34 payments shall be made to otherwise eligible individuals who are
35 residing in a secure shelter, a housing network or other shelter

1 facility which provides shelter services to persons who are victims of
2 domestic violence. Provisions shall be made by the department for the
3 confidentiality of the shelter addresses where victims are residing.

4 **Sec. 17.** RCW 73.08.005 and 2010 1st sp.s. c 8 s 17 are each
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

12 (2) "Family" means the spouse or domestic partner, surviving
13 spouse, surviving domestic partner, and dependent children of a living
14 or deceased veteran.

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

17 (a) Receiving one of the following types of public assistance:
18 Temporary assistance for needy families, (~~(disability lifeline)~~) aged,
19 blind, or disabled assistance benefits, pregnant women assistance
20 benefits, poverty-related veterans' benefits, food stamps or food stamp
21 benefits transferred electronically, refugee resettlement benefits,
22 medicaid, medical care services, or supplemental security income;

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

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

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

1 (5) "Veteran" has the same meaning as defined in RCW 41.04.005 and
2 41.04.007, and includes a current member of the national guard or armed
3 forces reserves who has been deployed to serve in an armed conflict.

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

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

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

14 **Sec. 18.** RCW 74.04.0052 and 2010 1st sp.s. c 8 s 18 are each
15 amended to read as follows:

16 (1) The department shall determine, after consideration of all
17 relevant factors and in consultation with the applicant, the most
18 appropriate living situation for applicants under eighteen years of
19 age, unmarried, and pregnant who are eligible for ~~((disability~~
20 ~~lifeline))~~ benefits under sections 3 and 4 of this act. An appropriate
21 living situation shall include a place of residence that is maintained
22 by the applicant's parents, parent, legal guardian, or other adult
23 relative as their or his or her own home and that the department finds
24 would provide an appropriate supportive living arrangement. It also
25 includes a living situation maintained by an agency that is licensed
26 under chapter 74.15 RCW that the department finds would provide an
27 appropriate supportive living arrangement. Grant assistance shall not
28 be provided under this chapter if the applicant does not reside in the
29 most appropriate living situation, as determined by the department.

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

1 (3) The department shall consider any statements or opinions by
2 either parent of the unmarried minor parent or pregnant minor applicant
3 as to an appropriate living situation for the minor, whether in the
4 parental home or other situation. If the parents or a parent of the
5 minor request, they or he or she shall be entitled to a hearing in
6 juvenile court regarding designation of the parental home or other
7 relative placement as the most appropriate living situation for the
8 pregnant or parenting minor.

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

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

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

24 **Sec. 19.** RCW 74.04.225 and 2010 1st sp.s. c 8 s 2 are each amended
25 to read as follows:

26 (1) An online opportunity portal shall be established to provide
27 the public with more effective access to available state, federal, and
28 local services. The secretary of the department of social and health
29 services shall act as the executive branch sponsor of the portal
30 planning process. Under the leadership of the secretary, the
31 department shall:

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

35 (b) Facilitate the adaptation of state information technology
36 systems to allow applications generated through the opportunity portal

1 and other compatible electronic application systems to seamlessly link
2 to appropriate state information systems;

3 (c) Ensure that the portal provides access to a broad array of
4 state, federal, and local services, including but not limited to:
5 Health care services, higher education financial aid, tax credits,
6 civic engagement, nutrition assistance, energy assistance, family
7 support, and ~~((disability lifeline benefits))~~ the programs under
8 sections 3 and 4 of this act and as defined in RCW 10.101.010,
9 13.34.030, ~~((43.330.175,))~~ 70.96A.530, 74.04.005, 74.04.652, 74.04.655,
10 74.04.657, and ~~((74.04.810))~~ sections 1 through 3 and 7 of this act;

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

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

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

25 (g) Determine the solution and acquisition approach by June 1,
26 2010.

27 (2) By December 1, 2011, and annually thereafter, the department of
28 social and health services shall report to the legislature and
29 governor. The report shall include data and information on
30 implementation and outcomes of the opportunity portal, including any
31 increases in the use of public benefits and increases in federal
32 funding.

33 (3) The department shall develop a plan for implementing paperless
34 application processes for the services included in the opportunity
35 portal for which the electronic exchange of application information is
36 possible. The plan should include a goal of achieving, to the extent
37 possible, the transition of these services to paperless application
38 processes by July 1, 2012. The plan must comply with federal statutes

1 and regulations and must allow applicants to submit applications by
2 alternative means to ensure that access to benefits will not be
3 restricted.

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

7 **Sec. 20.** RCW 74.04.230 and 2010 1st sp.s. c 8 s 20 are each
8 amended to read as follows:

9 Persons eligible for (~~(disability lifeline)~~) medical care services
10 benefits are eligible for mental health services to the extent that
11 they meet the client definitions and priorities established by chapter
12 71.24 RCW.

13 **Sec. 21.** RCW 74.04.266 and 2010 1st sp.s. c 8 s 21 are each
14 amended to read as follows:

15 In determining need for (~~(disability lifeline benefits)~~) aged,
16 blind, or disabled assistance, and medical care services, the
17 department may by rule and regulation establish a monthly earned income
18 exemption in an amount not to exceed the exemption allowable under
19 disability programs authorized in Title XVI of the federal social
20 security act.

21 **Sec. 22.** RCW 74.04.620 and 2010 1st sp.s. c 8 s 22 are each
22 amended to read as follows:

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

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

32 (3) The department is authorized to make payments to applicants for
33 supplemental security income, pursuant to agreements as provided in
34 Public Law 93-368, who are otherwise eligible for (~~(disability lifeline~~
35 ~~benefits)~~) aged, blind, or disabled assistance.

1 (4) Any agreement between the department and a supplemental
2 security income applicant providing for the reimbursement of interim
3 assistance to the department shall provide, if the applicant has been
4 represented by an attorney, that twenty-five percent of the
5 reimbursement received shall be withheld by the department and all or
6 such portion thereof as has been approved as a fee by the United States
7 department of health and human services shall be released directly to
8 the applicant's attorney. The secretary may maintain such records as
9 are deemed appropriate to measure the cost and effectiveness of such
10 agreements and may make recommendations concerning the continued use of
11 such agreements to the legislature.

12 **Sec. 23.** RCW 74.04.652 and 2010 1st sp.s. c 8 s 7 are each amended
13 to read as follows:

14 (1) To ensure that persons who are likely eligible for supplemental
15 security income benefits are transitioned from (~~disability lifeline~~
16 ~~benefits to disability lifeline expedited~~) the medical care services
17 program to the aged, blind, or disabled assistance program, and the
18 medicaid program, and then to the supplemental security income program
19 as quickly as practicable, the department shall implement the early
20 supplemental security income transition project starting in King,
21 Pierce, and Spokane counties no later than July 1, 2010, and extending
22 statewide no later than October 1, 2011. The program shall be
23 implemented through performance-based contracts with managed health
24 care systems providing medical care services under RCW 74.09.035 or
25 other qualified entities. The participants shall have the following
26 responsibilities and duties under this program:

27 (a) The entities with whom the department contracts to provide the
28 program shall be responsible for:

29 (i) Systematically screening persons receiving (~~disability~~
30 ~~lifeline~~) benefits under section 6 of this act at the point of
31 eligibility determination or shortly thereafter to determine if the
32 persons should be referred for medical or behavioral health evaluations
33 to determine whether they are likely eligible for supplemental security
34 income;

35 (ii) Immediately sharing the results of the disability screening
36 with the department;

1 (iii) Managing ~~((disability lifeline))~~ medical care services and
2 aged, blind, or disabled assistance incapacity evaluation examinations
3 to provide timely access to needed medical and behavioral health
4 evaluations and standardizing health care providers' conduct of
5 incapacity evaluations. To maximize the timeliness and efficiency of
6 incapacity evaluation examinations, the department must strongly
7 consider contracting with a managed health care system with a network
8 of health care providers that are trained and have agreed to conduct
9 ~~((disability lifeline))~~ aged, blind, or disabled medical and
10 psychological incapacity and recertification exams. The department may
11 obtain medical evidence and other relevant information from sources
12 other than the contracted entity if such evidence is available at the
13 time of a person's application for ~~((disability lifeline))~~ aged, blind,
14 or disabled benefits and is sufficient to support a determination that
15 the person is incapacitated;

16 (iv) Maintaining a centralized appointment and clinical data
17 system; and

18 (v) Assisting persons receiving ~~((disability lifeline benefits))~~
19 medical care services benefits, except recipients of alcohol and
20 addiction treatment under chapter 74.50 RCW, with obtaining additional
21 medical or behavioral health examinations needed to meet the disability
22 standard for federal supplemental security income benefits and with
23 submission of applications for supplemental security income benefits.

24 (b) The department shall be responsible for:

25 (i) Determining incapacity and eligibility for ~~((disability~~
26 ~~lifeline))~~ benefits under sections 3 and 4 of this act;

27 (ii) Making timely determinations that a person receiving
28 ~~((disability lifeline benefits))~~ medical care services benefits, except
29 recipients of alcohol and addiction treatment under chapter 74.50 RCW,
30 is likely eligible for supplemental security income based on medical
31 evidence and other relevant information provided by a contracted
32 entity, and immediately referring such persons to a contracted entity
33 for services;

34 (iii) Developing standardized procedures for sharing data and
35 information with the contracted entities to ensure timely
36 identification of clients who have not been transferred to the
37 ~~((disability lifeline expedited))~~ aged, blind, or disabled assistance

1 program within four months of their date of application, but who may,
2 upon further review, be appropriately transferred to that program;

3 (iv) Providing case management, in partnership with the managed
4 health care system or contracted entity, to support persons' transition
5 to federal supplemental security income and medicaid benefits; and

6 (v) Identifying a savings determination methodology, in
7 consultation with the contracted entities, the office of financial
8 management, and the legislature, on or before implementation of the
9 project.

10 (2) Early supplemental security income transition project contracts
11 shall include the following performance goals:

12 (a) Persons receiving (~~(disability lifeline benefits)~~) medical care
13 services benefits, except recipients of alcohol and addiction treatment
14 under chapter 74.50 RCW, should be screened within thirty days of
15 entering the program to determine the propriety of their transfer to
16 the (~~(disability lifeline expedited)~~) aged, blind, or disabled
17 assistance program; and

18 (b) Seventy-five percent of persons receiving (~~(disability lifeline~~
19 ~~benefits)~~) medical care services benefits, except recipients of alcohol
20 and addiction treatment under chapter 74.50 RCW, that appear likely to
21 qualify for supplemental security income benefits shall be transferred
22 to the (~~(disability lifeline expedited)~~) aged, blind, or disabled
23 assistance program within four months of their application for
24 (~~(disability lifeline)~~) aged, blind, or disabled benefits.

25 (3) The initial focus of the efforts of the early supplemental
26 security income transition project shall be on persons who have been
27 receiving (~~(disability lifeline or general assistance unemployable~~
28 ~~benefits)~~) medical care services, except recipients of alcohol and
29 addiction treatment under chapter 74.50 RCW or aged, blind, or disabled
30 assistance, for twelve or more months (~~(as of September 1, 2010)~~).

31 (4) No later than December 1, 2011, the department shall report to
32 the governor and appropriate policy and fiscal committees on whether
33 the early supplemental security income transition project performance
34 goals in subsection (2) of this section were met, including the reasons
35 those goals were or were not met.

36 (5) Pursuant to RCW 41.06.142(3), performance-based contracting
37 under this section is expressly mandated by the legislature and is not
38 subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

1 The statewide expansion of the program under this section shall be
2 considered expressly mandated by the legislature and not be subject to
3 the provisions of RCW 41.06.142 (1), (4), and (5).

4 **Sec. 24.** RCW 74.04.655 and 2010 1st sp.s. c 8 s 5 are each amended
5 to read as follows:

6 (1) The economic services administration shall work jointly with
7 the division of vocational rehabilitation to develop an assessment tool
8 that must be used to determine whether the programs offered by the
9 division of vocational rehabilitation could assist persons receiving
10 ((~~disability lifeline~~)) benefits under sections 3 and 4 of this act in
11 returning to the workforce. The assessment tool shall be completed no
12 later than December 1, 2010. The economic services administration
13 shall begin using the tool no later than January 1, 2011. No later
14 than December 30, 2011, the department shall report on the use of the
15 tool and to what extent the programs offered by the division of
16 vocational rehabilitation have been successful in returning persons
17 receiving ((~~disability lifeline~~)) aged, blind, or disabled benefits to
18 the workforce.

19 (2) After January 1, 2011, all persons receiving ((~~disability~~
20 ~~lifeline~~)) benefits under sections 3 and 5 of this act shall be
21 assessed to determine whether they would likely benefit from a program
22 offered by the division of vocational rehabilitation. If the
23 assessment indicates that the person might benefit, the economic
24 services administration shall make a referral to the division of
25 vocational rehabilitation. If the person is found eligible for a
26 program with the division of vocational rehabilitation, he or she must
27 participate in that program to remain eligible for the monthly stipend
28 and housing voucher or a cash grant. If the person refuses to
29 participate or does not complete the program, the department shall
30 terminate the cash stipend and housing voucher or cash grant but may
31 not terminate medical coverage and food benefits.

32 **Sec. 25.** RCW 74.04.657 and 2010 1st sp.s. c 8 s 6 are each amended
33 to read as follows:

34 During the application process for ((~~disability lifeline~~)) benefits
35 under sections 3 and 4 of this act, the department shall inquire of
36 each applicant whether he or she has ever served in the United States

1 military service. If the applicant answers in the affirmative, the
2 department shall confer with a veterans benefit specialist with the
3 Washington state department of veterans affairs or a contracted
4 veterans service officer in the community to determine whether the
5 applicant is eligible for any benefits or programs offered to veterans
6 by either the state or the federal government.

7 **Sec. 26.** RCW 74.04.770 and 2010 1st sp.s. c 8 s 23 are each
8 amended to read as follows:

9 The department shall establish consolidated standards of need each
10 fiscal year which may vary by geographical areas, program, and family
11 size, for temporary assistance for needy families, refugee assistance,
12 supplemental security income, and ~~((disability—lifeline))~~ benefits
13 under section 3 of this act. Standards for temporary assistance for
14 needy families, refugee assistance, and ~~((disability—lifeline))~~
15 benefits under section 3 of this act shall be based on studies of
16 actual living costs and generally recognized inflation indices and
17 shall include reasonable allowances for shelter, fuel, food,
18 transportation, clothing, household maintenance and operations,
19 personal maintenance, and necessary incidentals. The standard of need
20 may take into account the economies of joint living arrangements, but
21 unless explicitly required by federal statute, there shall not be
22 proration of any portion of assistance grants unless the amount of the
23 grant standard is equal to the standard of need.

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

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

30 The department may establish a separate standard for shelter
31 provided at no cost.

32 **Sec. 27.** RCW 74.08.043 and 2010 1st sp.s. c 8 s 24 are each
33 amended to read as follows:

34 In determining the living requirements of otherwise eligible
35 applicants and recipients of supplemental security income and

1 ((~~disability lifeline~~)) benefits under sections 3 and 4 of this act,
2 the department is authorized to consider the need for personal and
3 special care and supervision due to physical and mental conditions.

4 **Sec. 28.** RCW 74.08.278 and 2010 1st sp.s. c 8 s 25 are each
5 amended to read as follows:

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

29 **Sec. 29.** RCW 74.08.335 and 2010 1st sp.s. c 8 s 26 are each
30 amended to read as follows:

31 Temporary assistance for needy families and ((~~disability lifeline~~))
32 benefits under sections 3 and 4 of this act shall not be granted to any
33 person who has made an assignment or transfer of property for the
34 purpose of rendering himself or herself eligible for the assistance.
35 There is a rebuttable presumption that a person who has transferred or
36 transfers any real or personal property or any interest in property

1 within two years of the date of application for the assistance without
2 receiving adequate monetary consideration therefor, did so for the
3 purpose of rendering himself or herself eligible for the assistance.
4 Any person who transfers property for the purpose of rendering himself
5 or herself eligible for assistance, or any person who after becoming a
6 recipient transfers any property or any interest in property without
7 the consent of the secretary, shall be ineligible for assistance for a
8 period of time during which the reasonable value of the property so
9 transferred would have been adequate to meet the person's needs under
10 normal conditions of living: PROVIDED, That the secretary is hereby
11 authorized to allow exceptions in cases where undue hardship would
12 result from a denial of assistance.

13 **Sec. 30.** RCW 74.08A.210 and 2010 1st sp.s. c 8 s 27 are each
14 amended to read as follows:

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

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

23 (a) Child care;

24 (b) Housing assistance;

25 (c) Transportation-related expenses;

26 (d) Food;

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

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

30 (3) Diversion assistance is available once in each twelve-month
31 period for each adult applicant. Recipients of diversion assistance
32 are not included in the temporary assistance for needy families
33 program.

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

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

1 (6) Families ineligible for temporary assistance for needy families
2 or (~~disability lifeline~~) benefits under section 3 of this act due to
3 sanction, noncompliance, the lump sum income rule, or any other reason
4 are not eligible for diversion assistance.

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

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

14 **Sec. 31.** RCW 74.08A.440 and 2010 1st sp.s. c 8 s 32 are each
15 amended to read as follows:

16 Recipients exempted from active work search activities due to
17 incapacity or a disability shall receive (~~disability lifeline~~)
18 services for which they are eligible, including aged, blind, or
19 disabled assistance benefits as they relate to the facilitation of
20 enrollment in the federal supplemental security income program,
21 referrals to essential needs and housing support benefits, access to
22 chemical dependency treatment, referrals to vocational rehabilitation,
23 and other services needed to assist the recipient in becoming
24 employable. (~~Disability lifeline~~) Aged, blind, or disabled
25 assistance and essential needs and housing support benefits shall not
26 supplant cash assistance and other services provided through the
27 temporary assistance for needy families program. To the greatest
28 extent possible, services shall be funded through the temporary
29 assistance for needy families appropriations.

30 **Sec. 32.** RCW 74.09.555 and 2010 1st sp.s. c 8 s 30 are each
31 amended to read as follows:

32 (1) The department shall adopt rules and policies providing that
33 when persons with a mental disorder, who were enrolled in medical
34 assistance immediately prior to confinement, are released from
35 confinement, their medical assistance coverage will be fully reinstated

1 on the day of their release, subject to any expedited review of their
2 continued eligibility for medical assistance coverage that is required
3 under federal or state law.

4 (2) The department, in collaboration with the Washington
5 association of sheriffs and police chiefs, the department of
6 corrections, and the regional support networks, shall establish
7 procedures for coordination between department field offices,
8 institutions for mental disease, and correctional institutions, as
9 defined in RCW 9.94.049, that result in prompt reinstatement of
10 eligibility and speedy eligibility determinations for persons who are
11 likely to be eligible for medical assistance services upon release from
12 confinement. Procedures developed under this subsection must address:

13 (a) Mechanisms for receiving medical assistance services
14 applications on behalf of confined persons in anticipation of their
15 release from confinement;

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

19 (c) Mechanisms for providing medical assistance services identity
20 cards to persons eligible for medical assistance services immediately
21 upon their release from confinement; and

22 (d) Coordination with the federal social security administration,
23 through interagency agreements or otherwise, to expedite processing of
24 applications for federal supplemental security income or social
25 security disability benefits, including federal acceptance of
26 applications on behalf of confined persons.

27 (3) Where medical or psychiatric examinations during a person's
28 confinement indicate that the person is disabled, the correctional
29 institution or institution for mental diseases shall provide the
30 department with that information for purposes of making medical
31 assistance eligibility and enrollment determinations prior to the
32 person's release from confinement. The department shall, to the
33 maximum extent permitted by federal law, use the examination in making
34 its determination whether the person is disabled and eligible for
35 medical assistance.

36 (4) For purposes of this section, "confined" or "confinement" means
37 incarcerated in a correctional institution, as defined in RCW 9.94.049,

1 or admitted to an institute for mental disease, as defined in 42 C.F.R.
2 part 435, Sec. 1009 on July 24, 2005.

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

5 (a) Was enrolled in medicaid or supplemental security income or the
6 (~~(disability-lifeline)~~) medical care services program immediately
7 before he or she was confined and his or her enrollment was terminated
8 during his or her confinement; or

9 (b) Was enrolled in medicaid or supplemental security income or the
10 (~~(disability-lifeline)~~) medical care services program at any time
11 during the five years before his or her confinement, and medical or
12 psychiatric examinations during the person's confinement indicate that
13 the person continues to be disabled and the disability is likely to
14 last at least twelve months following release.

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

19 **Sec. 33.** RCW 74.50.060 and 2010 1st sp.s. c 8 s 31 are each
20 amended to read as follows:

21 (~~(+1)~~) The department shall establish a shelter assistance program
22 to provide, within available funds, shelter for persons eligible under
23 this chapter. "Shelter," "shelter support," or "shelter assistance"
24 means a facility under contract to the department providing room and
25 board in a supervised living arrangement, normally in a group or
26 dormitory setting, to eligible recipients under this chapter. This may
27 include supervised domiciliary facilities operated under the auspices
28 of public or private agencies. No facility under contract to the
29 department shall allow the consumption of alcoholic beverages on the
30 premises. The department may contract with counties and cities for
31 such shelter services. To the extent possible, the department shall
32 not displace existing emergency shelter beds for use as shelter under
33 this chapter. In areas of the state in which it is not feasible to
34 develop shelters, due to low numbers of people needing shelter
35 services, or in which sufficient numbers of shelter beds are not
36 available, the department may provide shelter through an intensive

1 protective payee program, unless the department grants an exception on
2 an individual basis for less intense supervision.

3 ~~((2) Persons continuously eligible for the disability lifeline
4 program since July 25, 1987, who transfer to the program established by
5 this chapter, have the option to continue their present living
6 situation, but only through a protective payee.))~~

7 NEW SECTION. **Sec. 34.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 43.330.175 (Disability lifeline housing voucher program)
10 and 2010 1st sp.s. c 8 s 8;

11 (2) RCW 74.04.120 (Basis of state's allocation of federal aid
12 funds--County budget) and 2010 1st sp.s. c 8 s 19, 1979 c 141 s 301, &
13 1959 c 26 s 74.04.120; and

14 (3) RCW 74.04.810 (Study of disability lifeline program
15 terminations--Report) and 2010 1st sp.s. c 8 s 11.

16 NEW SECTION. **Sec. 35.** The code reviser shall alphabetize the
17 subsections containing definitions in RCW 74.04.005.

18 NEW SECTION. **Sec. 36.** Sections 1 through 3 and 7 of this act
19 constitute a new chapter in Title 74 RCW.

20 NEW SECTION. **Sec. 37.** Section 11 of this act expires June 30,
21 2013.

22 NEW SECTION. **Sec. 38.** Except for sections 6 and 8 of this act,
23 this act is necessary for the immediate preservation of the public
24 peace, health, or safety, or support of the state government and its
25 existing public institutions, and takes effect immediately.

26 NEW SECTION. **Sec. 39.** Section 6 of this act is necessary for the
27 immediate preservation of the public peace, health, or safety, or
28 support of the state government and its existing public institutions,
29 and takes effect July 22, 2011.

30 NEW SECTION. **Sec. 40.** Section 8 of this act takes effect November
31 1, 2011."

ESHB 2082 - S AMD

By Senators Regala, Zarelli

ADOPTED 05/25/2011

1 On page 1, line 6 of the title, after "funding;" strike the
2 remainder of the title and insert "amending RCW 74.09.035, 74.04.005,
3 74.09.510, 74.50.055, 70.96A.530, 10.101.010, 26.19.071, 31.04.540,
4 70.123.110, 73.08.005, 74.04.0052, 74.04.225, 74.04.230, 74.04.266,
5 74.04.620, 74.04.652, 74.04.655, 74.04.657, 74.04.770, 74.08.043,
6 74.08.278, 74.08.335, 74.08A.210, 74.08A.440, 74.09.555, and 74.50.060;
7 reenacting and amending RCW 13.34.030; adding new sections to chapter
8 43.185C RCW; adding a new chapter to Title 74 RCW; creating a new
9 section; repealing RCW 43.330.175, 74.04.120, and 74.04.810; providing
10 effective dates; providing an expiration date; and declaring an
11 emergency."

--- END ---