

# Chapter 388-408 WAC

## ASSISTANCE UNITS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-408-0055	Medical assistance units. [Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, and 74.09.055 as amended by 2006 c 24. 07-11-044, § 388-408-0055, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530. 06-04-021, § 388-408-0055, filed 1/23/06, effective 2/23/06. Statutory Authority: RCW 74.08.-090, 74.08A.100, 74.09.080, and 74.09.415. 02-17-030, § 388-408-0055, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0055, filed 7/31/98, effective 9/1/98. Formerly WAC 388-506-0610, 388-506-0630 and 388-507-0730.] Decodified by 11-24-018, filed 11/29/11, effective 12/1/11. Recodified as WAC 182-506-0010.
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### WAC 388-408-0005 What is a cash assistance unit?

- (1) For all sections of this chapter:
  - (a) **"We"** means the department of social and health services.
  - (b) **"You"** means a person that is applying for or getting benefits from the department.
  - (c) **"Assistance unit"** or **"AU"** is the group of people who live together and whose income or resources we count to decide your eligibility for benefits and the amount of benefits you get.
- (2) For GA-U, we decide who is in the AU under WAC 388-408-0010.
- (3) For TANF or SFA, we decide who is in the AU by taking the following steps:
  - (a) We start with who must be in the AU under WAC 388-408-0015;
  - (b) We add those you choose to have in the AU under WAC 388-408-0025; and
  - (c) We remove those who are not allowed in the AU under WAC 388-408-0020.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. 03-17-066, § 388-408-0005, filed 8/18/03, effective 9/18/03. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0005, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055,

(11/29/11)

74.04.057 and 74.08.090. 98-16-044, § 388-408-0005, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0010 Who is in my assistance unit for general assistance?** (1) If you are an adult that is incapacitated as defined in WAC 388-448-0001, you can be in a GA-U AU;

(2) If you are married and live with your spouse, we decide who to include in the AU based on who is incapacitated:

(a) If you are both incapacitated as defined in WAC 388-448-0001, we include both of you in the same AU.

(b) If only one spouse is incapacitated, we include only the incapacitated spouse in the AU. We count some of the income of the spouse that is not in the AU as income to the AU under WAC 388-450-0135.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0010, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 99-14-045, § 388-408-0010, filed 6/30/99, effective 8/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0010, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0015 Who must be in my assistance unit for temporary assistance for needy families (TANF) or state family assistance (SFA)?** If you live with any of the following people, we must include them in your TANF, SFA, or combination TANF/SFA AU:

- (1) The child you are applying for and:
  - (a) The child's full, half or adoptive sibling(s);
  - (b) The child's natural or adoptive parent(s) or stepparent(s); and
  - (c) If you are a pregnant minor or minor who is a parent and you live with your parent(s), we include your parent(s) if they:
    - (i) Need assistance; and
    - (ii) Provide the primary care for you, your child, or your siblings. We count full, half, or adoptive siblings as your sibling.
- (2) If you are pregnant and you do not have a dependent child living with you, we include only you in the AU.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0015, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 99-14-045, § 388-408-0015, filed 6/30/99, effective 8/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0015, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit?** Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

(1) We do not include the following people in your TANF or SFA AU:

(a) A minor parent or child who has been placed in Title IV-E, state, or locally-funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

(b) An adult parent in a two-parent household when:

(i) The other parent is unmarried and under the age of eighteen; and

(ii) We decide that your living arrangement is not appropriate under WAC 388-486-0005.

(c) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or

(d) Someone who gets SSI benefits.

(2) If someone that lives with you cannot be in the AU:

(a) We do not count them as a member of the AU when we determine the AU's payment standard; and

(b) We do not count their income unless they are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 10-12-095, § 388-408-0020, filed 6/1/10, effective 7/2/10. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0020, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510. 00-05-007, § 388-408-0020, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0020, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit?** If you are a child's parent or other caretaker relative (a relative who cares for the child's basic needs as defined in WAC 388-454-0010), use the table below to find who you may choose to include or exclude in your TANF or SFA AU. If you include a child in your AU, it could cause you to get more or less benefits. If someone is not allowed in the AU under WAC 388-408-0020, you cannot choose to include them in your TANF or SFA AU.

(1) If you are the parent of the child, you may choose whether or not to include:	(a) Yourself in the AU if the child gets SSI; and (b) The child in the AU if: (i) You already receive TANF or SFA; (ii) You are not married to the child's other parent; and (iii) The child lives with both parents.
(2) If you are not the child's parent, and do not live with the parents of the child, you may choose to:	(a) Include yourself if you are a relative defined in WAC 388-454-0010; (b) Include someone else that cares for the child and is a relative defined in WAC 388-454-0010; or (c) Receive a grant for the child only.
(3) If you are the child's parent or caretaker relative, you may choose whether or not to include any of the following children:	(a) Brothers or sisters of a child who gets SSI; (b) Stepsisters and stepbrothers of a child; and (c) Other children that are not the child's brother or sister.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. 05-02-017, § 388-408-0025, filed 12/27/04, effective 1/27/05. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0025, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0025, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0030 What children must be in the same TANF or SFA assistance unit?** A child who applies for or gets TANF or SFA must be in the same AU as other children who get TANF or SFA and live with the same:

(1) Caretaker relative;

(2) Court-ordered guardian or court-ordered custodian;

or

(3) Adult acting *in loco parentis*.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-408-0030, filed 1/22/01, effective 3/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0030, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0034 What is an assistance unit for Basic Food?** For all sections of this chapter:

**"We"** means the department of social and health services;

**"You"** means any person applying for or receiving benefits from the department including minor children;

**"Assistance unit"** or **"AU"** is the group of people who live together and whose income and resources we count to decide if you are eligible for benefits and the amount of benefits you get.

**"Boarder"** means a person who:

(1) We decide pays a reasonable amount for lodging and meals; or

(2) Is in foster care.

**"Live-in attendant"** means a person who lives in the home and provides medical, housekeeping, childcare, or similar personal services an AU member needs because:

(1) A member is aged, incapacitated, or disabled;

(2) A member of the AU is ill; or

(3) A minor child in the AU needs childcare.

**"Parent"** means a natural, step, or adoptive parent. A stepparent is not a parent to a child if the marriage to the child's natural parent ends due to divorce or death.

A person who lives with you pays a **"reasonable amount"** for meals if:

(1) You provide two or more meals a day and they pay at least the maximum allotment under WAC 388-478-0060 for their AU size; or

(2) You provide one meal a day and they pay at least two-thirds the maximum allotment under WAC 388-478-0060 for their AU size.

**"Roomer"** means a person who pays for lodging, but not meals;

A person has a **"separate residence"** from an AU if they have separate living, cooking, and sanitation facilities.

**"Spouse"** means your husband or wife through a legally recognized marriage.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-06-025, § 388-408-0034, filed 2/23/04, effective 4/1/04; 03-19-118, § 388-408-0034, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-060, § 388-408-0034, filed 10/16/01, effective 12/1/01.]

**WAC 388-408-0035 Who is in my assistance unit for Basic Food?** (1) For Basic Food, a person must be in your assistance unit (AU) if they live in the same home as you and:

(a) Regularly buy food or prepare meals with you; or

(b) You provide meals for them and they pay less than a reasonable amount for meals.

(2) If the following people live with you, they must be in your AU even if you do not usually buy or prepare food together:

- (a) Your spouse;
- (b) Your parents if you are under age twenty-two (even if you are married);
- (c) Your children under age twenty-two;
- (d) The parent of a child who must be in your AU;
- (e) A child under age eighteen who doesn't live with their parent unless the child:
  - (i) Is emancipated;
  - (ii) Gets a TANF grant in their own name; or
  - (iii) Is not financially dependent on an adult in the AU because they get and have control of income of at least the TANF payment standard under WAC 388-478-0020(2) before taxes or other withholdings.

(3) If any of the people in subsections (1) or (2) already receive transitional food assistance under chapter 388-489 WAC, you can only receive benefits if they choose to reapply for Basic Food as described in WAC 388-489-0022.

(4) If you live in an institution where you may be eligible for Basic Food under WAC 388-408-0040, we decide who is in your AU as follows:

- (a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your AU under subsection (2) of this rule; or
- (b) If you apply for benefits on your own, we include you, anyone who must be in your AU under subsection (2) of this rule, and other residents you choose to apply with.
- (5) Anyone who must be in your AU under subsection (1) or (2) is an ineligible AU member if they:
  - (a) Are disqualified for an intentional program violation (IPV) under WAC 388-446-0015;
  - (b) Do not meet ABAWD work requirements under WAC 388-444-0030.
  - (c) Do not meet work requirements under WAC 388-444-0055;
  - (d) Do not provide a Social Security number under WAC 388-476-0005;
  - (e) Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;

(f) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010.

(6) If your AU has an ineligible member:

- (a) We count the ineligible member's income as part of your AU's income under WAC 388-450-0140;
- (b) We count all the ineligible members resources to your AU; and
- (c) We do not use the ineligible member to determine your AU's size for the maximum income amount or allotment under WAC 388-478-0060.

(7) If the following people live in the same home as you, you can choose if we include them in your AU:

- (a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the one hundred sixty-five percent standard under WAC 388-478-0060;
- (b) A boarder. If you do not include a boarder in your AU, the boarder cannot get Basic Food benefits in a separate AU;

(c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get Basic Food benefits in a separate AU;

- (d) Roomers; or
- (e) Live-in attendants even if they buy or prepare food with you.

(8) If someone in your AU moves out of your home for at least a full issuance month, they are not eligible for benefits as a part of your AU, unless you receive transitional food assistance.

(9) For transitional food assistance, your TFA AU includes the people who were in your Basic Food AU for the last month you received:

- (a) Temporary assistance for needy families;
- (b) State family assistance; or
- (c) Tribal TANF benefits.

(10) If someone received Basic Food or food stamps in another AU or another state, they cannot receive benefits in your AU for the same period of time with one exception. If you already received Basic Food, food stamp, or transitional food assistance benefits:

- (a) In another state, you are not eligible for Basic Food for the period of time covered by the benefits you received from the other state; or
- (b) In another AU, you are not eligible for Basic Food in a different AU for the same period of time;
- (c) In another AU, but you left the AU to live in a shelter for battered women and children under WAC 388-408-0045, you may be eligible to receive benefits in a separate AU.

(11) The following people who live in your home are not members of your AU. If they are eligible for Basic Food, they may be a separate AU:

- (a) Someone who usually buys and prepares food separately from your AU if they are not required to be in your AU; or
- (b) Someone who lives in a separate residence.

(12) A student who is ineligible for Basic Food under WAC 388-482-0005 is not a member of your AU.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.010, and 74.08A.903. 10-13-047, § 388-408-0035, filed 6/9/10, effective 8/1/10. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090. 05-19-061, § 388-408-0035, filed 9/16/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 2004 c 54. 04-14-040, § 388-408-0035, filed 6/29/04, effective 7/30/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 04-06-025, § 388-408-0035, filed 2/23/04, effective 4/1/04; 03-19-118, § 388-408-0035, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-060, § 388-408-0035, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0035, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food?** (1) For Basic Food, an "institution" means a place where people live that provides residents more than half of three meals daily as a part of their normal services.

(2) Most residents of institutions are not eligible for Basic Food.

(3) If you live in one of the following institutions, you may be eligible for Basic Food even if the institution provides the majority of your meals:

- (a) Federally subsidized housing for the elderly;

(b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative as described under WAC 388-460-0010;

(c) Qualified DDD group homes for persons with disabilities;

(d) A shelter for battered women and children when the resident left the home that included the abuser; or

(e) Nonprofit shelters for the homeless.

(4) A qualified DDD group home is a nonprofit residential facility that:

(a) Houses sixteen or fewer persons with disabilities as defined under WAC 388-400-0040(6); and

(b) Is certified by the division of developmental disabilities (DDD).

(5) A qualified drug and alcohol treatment center is a residential facility that is:

(a) Authorized as a retailer by the U.S. Department of Agriculture, Food and Nutrition Service; or

(b) Operated by a private nonprofit organization; and

(c) Certified by the division of alcohol and substance abuse (DASA) as:

(i) Receiving funds under part B of Title XIX of the Public Health Service Act;

(ii) Eligible to receive funds under part B of Title XIX of the Public Health Service Act, but does not receive these funds; or

(iii) Operating to further the purposes of part B of the Public Health Service Act to provide treatment and rehabilitation of drug addicts or alcoholics.

(6) Elderly or disabled individuals and their spouses may use Basic Food benefits to buy meals from the following meal providers if FNS has approved them to accept Basic Food benefits:

(a) Communal dining facility; or

(b) Nonprofit meal delivery service.

(7) If you are homeless, you may use your Basic Food benefits to buy prepared meals from nonprofit organizations the department has certified as meal providers for the homeless.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 7 U.S.C. 2012 and 7 C.F.R. 273.1. 06-24-024, § 388-408-0040, filed 11/29/06, effective 1/1/07. Statutory Authority: RCW 74.04.050, 74.04.055 [74.04.055], 74.04.057, 74.04.510. 03-19-118, § 388-408-0040, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-060, § 388-408-0040, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0040, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0045 Am I eligible for Basic Food if I live in a shelter for battered women and children?** (1) You may be eligible for Basic Food benefits if you live in a shelter for battered women and children.

(2) If you live in a shelter for battered women and children and you left an assistance unit (AU) that included the abuser, as a separate AU for Basic Food:

(a) You may get additional amount of Basic Food benefits even if you received benefits with the abuser.

(b) The department will decide your eligibility and benefits based on:

(i) The income and resources you have access to; and

(ii) The expenses you are responsible for.

[Statutory Authority: RCW 74.04.050, 74.04.055 [74.04.055], 74.04.057, 74.04.510. 03-19-118, § 388-408-0045, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-060, § 388-408-0045, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0045, filed 7/31/98, effective 9/1/98.]

**WAC 388-408-0050 Does the department consider me homeless for Basic Food benefits?** The department considers you as homeless if you do not have a regular nighttime residence or when you stay primarily in a:

(1) Supervised shelter that provides temporary living or sleeping quarters;

(2) Halfway house that provides a temporary residence for persons going into or coming out of an institution;

(3) Residence of another person that is temporary and the client has lived there for ninety days or less; or

(4) A place not usually used as sleeping quarters for humans.

[Statutory Authority: RCW 74.04.050, 74.04.055 [74.04.055], 74.04.057, 74.04.510. 03-19-118, § 388-408-0050, filed 9/16/03, effective 11/1/03. Statutory Authority: RCW 74.04.057, 74.04.500, 74.04.510. 01-21-060, § 388-408-0050, filed 10/16/01, effective 12/1/01. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-408-0050, filed 7/31/98, effective 9/1/98.]