

# Chapter 388-454 WAC

## LIVING WITH A RELATIVE

### WAC

388-454-0005	Can I get TANF or SFA benefits for the child living with me?
388-454-0006	The department makes background checks on adults who are acting in place of a parent without court-ordered custody.
388-454-0010	Do I have to be related to a child in order to get TANF or SFA for the child?
388-454-0015	Temporary absence from the home.
388-454-0020	Temporary absence to attend school or training.
388-454-0025	The department notifies a child's parent when we approve assistance and the child is living with someone other than their parent.

**WAC 388-454-0005 Can I get TANF or SFA benefits for the child living with me?** (1) You can get temporary assistance for needy families (TANF) or state family assistance (SFA) for a child you live with if you are responsible for the care and control of the child and you are the child's:

- (a) Parent or other relative as defined in WAC 388-454-0010;
- (b) Court-ordered guardian or court-ordered custodian; or
- (c) Other adult acting *in loco parentis* (in the place of a parent).

(2) If a child lives with more than one relative or parent because the relatives share custody of the child:

- (a) We include the child in the assistance unit (AU) of the parent or relative that the child lives with for the majority of the time; or
- (b) If relatives share physical custody of the child in equal amounts, we include the child in the AU of the parent or relative that first applies for assistance for the child.

(3) If you or the child in your AU is temporarily absent from the home according to WAC 388-454-0015 and 388-454-0020, you can still get TANF or SFA during the absence.

[Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-454-0005, 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, § 388-454-0005, filed 7/31/98, effective 9/1/98.]

**WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody.** (1) We check your background when you ask for TANF or SFA benefits for a child who:

- (a) Is not related to you; and
- (b) Lives with you but you do not have a court order that gives you legal custody of the child.

(2) A child who is not related to you cannot receive TANF/SFA benefits while living with you until we have completed a background check and the results of the background check meet the criteria in subsection (3) through (5).

(3) A child who is not related to you cannot receive benefits while living with you if:

- (a) You have been convicted of a crime listed in WAC 388-06-0170; or

(b) You have been convicted of a crime listed in WAC 388-06-0180 within the last five years.

(4) We review your background when you have been convicted of a crime listed in WAC 388-06-0180 more than five years ago to determine your character, suitability, and competence to receive benefits for a child not related to you. We consider the following factors:

- (a) The amount of time that has passed since you were convicted;
- (b) The seriousness of the crime that led to the conviction;

(c) The number and types of convictions in your background; and

(d) Your age at the time of the conviction.

(5) When you have a conviction for a crime other than those listed in WAC 388-06-0170 or 388-06-0180 we review your background as described in subsection (4) above.

(6) Expunged or sealed conviction records do not count against you.

[Statutory Authority: RCW 13.32A.080, 13.32A.082, 74.04.050, 74.08.090, 74.12.290, 74.12.450, 74.12.460. 02-01-011, § 388-454-0006, filed 12/7/01, effective 1/7/02.]

**WAC 388-454-0010 Do I have to be related to a child in order to get TANF or SFA for the child?** To get TANF or SFA, a child must live with a parent, other relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis*.

(1) We consider the following people as parents for TANF and SFA:

- (a) The child's natural or adoptive parent; or
- (b) A stepparent who is legally obligated to support the child.

(2) We consider a man as a child's natural father if the relationship is:

(a) Made under a judgment or order under RCW 26.26.130 that set the relationship between the parent and child; or

(b) Presumed under the Uniform Parentage Act (chapter 26.26 RCW).

(3) When a child lives with a relative, the relative must be one of the following relationships to the child in order for that child to be eligible for TANF or SFA:

(a) The following blood relatives (including relatives of half blood) or their spouses: Siblings, first cousins (including first cousins once removed), nephews and nieces, and persons of earlier generations (including aunts, uncles and grandparents) as shown by the prefixes of great, great-great, or great-great-great;

(b) A natural parent whose parental rights were terminated by a court order;

(c) A stepparent who no longer has to support the child because:

- (i) The child's natural or adoptive parent died; or
- (ii) Divorce or dissolution ended the marriage between the stepparent and the child's natural or adoptive parent.
- (d) A step sibling even if the marriage between the step sibling's parent and the child's natural or adoptive parent ended by death, divorce or dissolution.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 04-05-012, § 388-454-0010, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.057, 2000 2nd sp.s. c 1. 01-03-121, § 388-454-0010, 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, § 388-454-0010, filed 7/31/98, effective 9/1/98.]

**WAC 388-454-0015 Temporary absence from the home.** The temporary absence policy described in this WAC applies to the temporary assistance for needy families (TANF) and state family assistance (SFA) programs. In some situations, a child receiving TANF/SFA can continue to be eligible for TANF/SFA cash assistance when there is a temporary separation of the child and the child's caregiver. There must be a clear expectation the absence is temporary and the child is expected to be reunited with the family. Temporary absences can't exceed one hundred eighty days except as described in (1)(a).

(1) For recipients, temporary absences include, but are not limited to:

(a) A caregiver receiving care in a hospital, substance abuse treatment facility, or other medical institution. If the temporary care exceeds one hundred eighty days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.

(b) Out-of-home visits less than one hundred eighty days, when the caregiver is still responsible for the support and care of the child.

(c) A caregiver or child attending school or training as described in WAC 388-454-0020.

(d) Placement of a child in foster care or in the care of a relative or other adult, including when the child's primary caregiver is in a residential treatment facility. The division of children and family services (DCFS) must place the child and determine the child is expected to return to the primary caregiver within one hundred eighty days of the placement.

(2) For applicants, temporary absences include:

(a) When the child is placed in unlicensed foster care or in the care of a relative or other adult and DCFS expects the child will return to the home within one hundred eighty days of removal. Benefits can also be approved for an applicant if DCFS determines that the child will be in the care of the applying adult within thirty days of authorizing assistance even if the child has been out of the home for over one hundred eighty days.

(b) When the child is out of the home because of illness or hospitalization and the absence isn't expected to exceed one hundred eighty days.

(3) For situations described in (1)(d) and (2)(a) of this WAC, concurrent TANF or SFA cash assistance can be made for the child, only when DCFS places the child in the temporary care of an unlicensed-relative, other caregiver, or in foster care. DCFS must expect the child return to the home of the primary caregiver in one hundred eighty days.

(a) When the child goes into licensed foster care, the TANF/SFA grant to the parent continues.

(b) When the child goes into unlicensed care, whether with a relative or other caregiver, the TANF grant to the parent continues and the caregiver can also get a TANF grant.

(4) Situations that do not meet the criteria of a temporary absence include, but aren't limited to:

(a) The caregiver or child is incarcerated for any length of time.

(b) The child ran away and there is no clear expectation of when the child will be returning home.

(c) A caregiver or child is away attending school and doesn't meet the criteria outlined in WAC 388-454-0020.

(5) A caregiver must report within five days of learning that a child's absence is going to be greater than one hundred eighty days as required under WAC 388-418-0005 and 388-418-0007.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090. 08-14-105, § 388-454-0015, filed 6/30/08, effective 8/1/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-454-0015, filed 7/31/98, effective 9/1/98.]

**WAC 388-454-0020 Temporary absence to attend school or training.** A child or caretaker is temporarily absent from the home to attend school or training when:

(1) The child's caretaker is attending a department approved vocational training program; or

(2) The child attends school or training away from home, as long as:

(a) The child returns to the family home during a year's period, at least for summer vacation; and

(b) The absence is necessary because:

(i) Isolation of the child's home makes it necessary for the child to be away to attend school;

(ii) The child is enrolled in an Indian boarding school administered through the Bureau of Indian Affairs; or

(iii) Specialized education or training is not available in the child's home community and is recommended by local school authorities.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-454-0020, filed 7/31/98, effective 9/1/98.]

**WAC 388-454-0025 The department notifies a child's parent when we approve assistance and the child is living with someone other than their parent.** (1) The department makes a reasonable effort to contact the parent with whom the child last lived when we find out that a child applying for assistance lives with someone other than the child's parent. We tell the parent:

(a) Within seven days of the date we approve assistance for the child;

(b) How to ask for family reconciliation services from the department; and

(c) How to request the child's address and location as allowed under WAC 388-428-0010.

(2) We do not notify the parent when there is evidence to support a claim that the parent has abused or neglected the child.

[Statutory Authority: RCW 13.32A.080, 13.32A.082, 74.04.050, 74.08.090, 74.12.290, 74.12.450, 74.12.460. 02-01-011, § 388-454-0025, filed 12/7/01, effective 1/7/02. Statutory Authority: RCW 74.04.050, 74.04.055,

74.04.057 and 74.08.090. 98-16-044, § 388-454-0025, filed 7/31/98, effective 9/1/98.]