

**WSR 21-14-032
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 29, 2021, 11:08 a.m., effective July 1, 2021]

Effective Date of Rule: July 1, 2021.

Purpose: The department is amending WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? These amendments are necessary to support SHB 2441 (chapter 338, Laws of 2020), and align with changes to temporary assistance for needy families (TANF) sanction rules effective July 1, 2021.

Citation of Rules Affected by this Order: Amending WAC 388-432-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.660, 74.08.090, 74.08A.230.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These amendments increase the number of households that potentially qualify for diversion cash assistance benefits and align with changes in SHB 2441 (chapter 338, Laws of 2020), effective July 1, 2021. Therefore, emergency adoption is necessary to support state legislation and the preservation of the public health, safety, and welfare. Observing time requirements of notice and opportunity to comment would be contrary to the public interest.

The department filed a Preproposal statement of inquiry (CR-101) under WSR 21-13-016 to incorporate these amendments and is actively undertaking appropriate procedures to adopt the rule as permanent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 29, 2021.

Katherine I. Vasquez
Rules Coordinator

SHS-4867.1

AMENDATORY SECTION (Amending WSR 17-07-042, filed 3/8/17, effective 4/8/17)

WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? The department of social and health services (DSHS) has a program called diversion cash assistance (DCA). If your family needs an emergency cash payment but does not need ongoing monthly cash assistance, you may be eligible for this program.

(1) To get DCA, you must:

(a) Meet all the eligibility rules for temporary assistance for needy families (TANF)/state family assistance (SFA), and once DSHS finds you eligible, you are not required to fulfill the following TANF-related requirements:

(i) Participation in (~~workfirst~~) WorkFirst as defined in chapter 388-310 WAC; and

(ii) Assignment of child support rights or cooperation with the division of child support as defined in chapter 388-422 WAC;

(b) Have a current bona fide or approved need for living expenses;

(c) Provide proof that your need for DCA exists; and

(d) Have or expect to get enough income or resources to support you and your family for at least twelve months.

(2) You may get DCA to help pay for one or more of the following needs:

(a) Child care;

(b) Housing;

(c) Transportation;

(d) Expenses to get or keep a job;

(e) Food costs, but not if an adult member of your family has been disqualified for food stamps;

(f) Medical costs, except when an adult member of your family is not eligible because he or she failed to provide third party liability (TPL) information as defined in WAC 182-503-0540.

(3) DCA payments are limited to:

(a) One thousand two hundred fifty dollars once in a twelve-month period that starts with the month DCA benefits begin; and

(b) The cost of your need.

(4) We do not budget your income or make you use your resources to lower the amount of DCA payments you can receive.

(5) DSHS may make DCA payments:

(a) All at once; or

(b) As separate payments over a thirty-day period that starts on the date of your first DCA payment.

(6) We will pay your DCA benefit directly to the service provider when possible.

(7) You are not eligible for DCA if one or more of the following applies:

(a) Any adult member of your assistance unit got DCA within the last twelve months;

(b) Any adult member of your assistance unit gets TANF/SFA currently;

(c) Any adult member of your assistance unit is not eligible for cash assistance for any reason unless one parent in a two-parent-assistance unit currently receives SSI;

(d) Your assistance unit does not have a needy adult, such as when you do not receive TANF/SFA for yourself but for your children only;

(e) Any adult member of your assistance unit is not eligible for cash assistance for any one of the following sanctions:

(i) TANF/SFA closure because of a noncompliance sanction (NCS) termination;

(ii) TANF/SFA closure while in (~~workfirst~~) WorkFirst sanction on or after July 1, (~~2010~~) 2021; or

(iii) Noncooperation with division of child support.

(8) If you apply for DCA after your TANF/SFA grant is terminated, we consider you an applicant for DCA.

(9) If you apply for TANF/SFA and you received DCA less than twelve months ago, we set up a DCA loan:

(a) The amount of the DCA loan is one-twelfth of the total DCA benefit times the number of months that are left in the twelve-month period;

(b) The first month begins with the month your DCA benefits began; and

(c) We will collect the loan only by reducing your TANF/SFA grant by five percent each month.

(10) If you stop getting TANF/SFA before you have repaid your DCA loan, we will stop collecting the loan unless you get back on TANF/SFA.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.210, and 74.62.030. WSR 17-07-042, § 388-432-0005, filed 3/8/17, effective 4/8/17. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 2011 1st sp.s. c 15. WSR 13-18-004, § 388-432-0005, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapters 74.08A and 74.12 RCW. WSR 10-24-064, § 388-432-0005, filed 11/30/10, effective 12/31/10. Statutory Authority: RCW 74.08.090, 74.04.050. WSR 01-03-066, § 388-432-0005, filed 1/12/01, effective 3/1/01.]