

WSR 21-15-060
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 15, 2021, 2:49 p.m.]

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-450-0100 Allocating income—Definitions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 388-450-0100 through expedited rule-making process for housekeeping purposes as the amendments remove outdated language.

Reasons Supporting Proposal: These amendments meet the criteria for expedited adoption as set forth in RCW 34.05.353, specifically subsection (1)(c): "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.250.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services (DSHS), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kathryn Gussett, P.O. Box 45470, Olympia, WA 98504, 509-290-8435.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The amendments clarify language of a rule without changing its effect. The change to the number of days from ninety days to one hundred eighty in subsection (3)(c) aligns with the permanent filing under WSR 08-14-105 (see changes to WAC 388-418-0007(6)) and was missed at the time of that filing.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m., September 21, 2021.

July 15, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4872.1

AMENDATORY SECTION (Amending WSR 13-24-043, filed 11/26/13, effective 1/1/14)

WAC 388-450-0100 Allocating income—Definitions. The following definitions apply to the allocation rules for TANF/SFA, RCA, PWA, and ABD cash programs:

- (1) **"Dependent"** means a person who:
 - (a) Is or could be claimed for federal income tax purposes by the financially responsible person; or
 - (b) The financially responsible person is legally obligated to support.
- (2) **"Financially responsible person"** means a parent, stepparent, adoptive parent, spouse, or caretaker relative.
- (3) A **"disqualified assistance unit member"** means a person who is:
 - (a) An unmarried pregnant or parenting minor who is under age eighteen, who has not completed a high school education or high school equivalency certification, and who is not participating in those educational activities which would lead to the attainment of a high school diploma or high school equivalency;
 - (b) An unmarried pregnant or parenting minor under age eighteen who is not living in a department-approved living situation;
 - (c) The financially responsible person who does not report to the department within five days of the date it becomes reasonably clear that the absence of a child will exceed (~~ninety~~) one hundred eighty days;
 - (d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and
 - (e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.
- (4) **"Ineligible assistance unit member"** means an individual who is:
 - (a) Ineligible for cash assistance due to the (~~citizenship/ alien~~) citizenship/immigration status requirements in WAC 388-424-0010;
 - (b) Ineligible to receive assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;
 - (c) Ineligible to receive assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;
 - (d) Ineligible to receive assistance under WAC 388-442-0010 for violating a condition of probation or parole which was imposed under a federal or state law as determined by an administrative body or court of competent jurisdiction;
 - (e) The spouse of a (~~woman~~) person who receives cash benefits from the PWA program; or
 - (f) The adult parent of a minor parent's child.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.250, and 2013 c 39. WSR 13-24-043, § 388-450-0100, filed

11/26/13, effective 1/1/14. Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.100, 74.04.770, 74.04.0052, 74.04.655, 74.08.043, 74.08.335, and 2011 1st sp.s. c 36. WSR 12-10-042, § 388-450-0100, filed 4/27/12, effective 6/1/12. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090. WSR 04-15-057, § 388-450-0100, filed 7/13/04, effective 8/13/04. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 99-16-024, § 388-450-0100, filed 7/26/99, effective 9/1/99. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-450-0100, filed 7/31/98, effective 9/1/98.]