

WSR 23-08-082

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 5, 2023, 8:50 a.m., effective May 6, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting amendments to WAC 388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA?, to update an incorrect statutory reference for the definition of "family or household member."

Citation of Rules Affected by this Order: Amending WAC 388-61-001.

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

Adopted under notice filed as WSR 23-04-073 on January 30, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: April 5, 2023.

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SHS-4967.1

AMENDATORY SECTION (Amending WSR 04-21-028, filed 10/13/04, effective 12/1/04)

WAC 388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA? The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, allowed every state to create a program addressing family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF/state funded assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW ((26.50.010(2))) 7.105.010 to any of the following:

- (a) Physical acts that resulted in, or threatened to result in, physical injury;
- (b) Sexual abuse;
- (c) Sexual activity involving a dependent child;

- (d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (e) Threats of or attempts at, physical sexual abuse;
- (f) Mental abuse;
- (g) Neglect or deprivation of medical care; or
- (h) Stalking.
- (2) DSHS must:
 - (a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF/SFA for a history of family violence;
 - (b) Notify in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment;
 - (c) Maintain confidentiality as stated in RCW 74.04.060;
 - (d) Refer individuals needing counseling to supportive services;
 - (e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence, or place victims at further risk of family violence. This may include:
 - (i) Time limits for TANF/SFA recipients, for as long as necessary (after ~~((fifty-two))~~ 52 months of receiving TANF/SFA);
 - (ii) Cooperation with the division of child support.
 - (f) Develop specialized work activities for family violence clients, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.

[Statutory Authority: RCW 74.04.050, 74.08.090, and 74.08A.010. WSR 04-21-028, § 388-61-001, filed 10/13/04, effective 12/1/04. Statutory Authority: Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii), HB 3901, section 103(4), RCW 74.08A.010, 74.04.050 and 74.08.090. WSR 98-07-040, § 388-61-001, filed 3/12/98, effective 4/12/98. Statutory Authority: RCW 74.04.050, 74.08.090 and 74.04.057. WSR 97-20-124, § 388-61-001, filed 10/1/97, effective 11/1/97.]