

**WSR 24-16-121**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 6, 2024, 9:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-09-049.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing amendments to WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance?

Hearing Location(s): On September 10, 2024, at 10:00 a.m., virtually via Microsoft Teams or call in. See the DSHS website <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than September 11, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, beginning noon on August 7, 2024, by 5:00 p.m. on September 10, 2024.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email [Tencza@dshs.wa.gov](mailto:Tencza@dshs.wa.gov), by 5:00 p.m. on August 27, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Effective January 1, 2025, these amendments will implement HB 2415 (chapter 154, Laws of 2024) and increase the maximum diversion cash assistance payment from \$1,250 to \$2,000.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, 74.08A.210, 74.08A.230.

Statute Being Implemented: HB 2415 (chapter 154, Laws of 2024).

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, 360-522-2214.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "this section does not apply to rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry

standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 34.05.328 (5)(b)(vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS customers.

Scope of exemption for rule proposal:

Is fully exempt.

August 5, 2024  
Katherine I. Vasquez  
Rules Coordinator

## SHS-5043.2

AMENDATORY SECTION (Amending WSR 21-21-065, filed 10/18/21, effective 11/18/21)

**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) WAC 388-400-0005 or (~~(/)~~) state family assistance (SFA) per WAC 388-400-0010. (~~(, and once)~~) If DSHS finds you eligible, you are not required to fulfill the following TANF-related requirements:

(i) Participation in 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)~~) 12 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)~~) from Washington's basic food program;

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

- (3) DCA payments are limited to:
- (a) ~~((One))~~ Two thousand ~~((two hundred fifty))~~ dollars once in a ~~((twelve))~~ 12-month period that starts with the month DCA benefits begin; and
  - (b) The cost of your need.
- (4) ~~((We do))~~ DSHS does 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))~~ 30-day period that starts on the date of your first DCA payment.
- (6) ~~((We))~~ DSHS 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))~~ 12 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))~~ Social Security Income (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 sanction on or after July 1, 2021; or
    - (iii) Noncooperation with division of child support.
- (8) If you apply for DCA after your TANF/SFA grant is terminated, ~~((we consider))~~ DSHS considers you an applicant for DCA.
- (9) If you apply for TANF/SFA and you received DCA less than ~~((twelve))~~ 12 months ago, ~~((we set))~~ DSHS sets up a DCA loan:
- (a) The amount of the DCA loan is ~~((one-twelfth))~~ 1/12th of the total DCA benefit times the number of months that are left in the ~~((twelve))~~ 12-month period;
  - (b) The first month begins with the month your DCA benefits begin; and
  - (c) ~~((We))~~ DSHS will collect the loan only by reducing your TANF/SFA grant by ~~((five percent))~~ 5% each month.
- (10) If you stop getting TANF/SFA before you have repaid your DCA loan, ~~((we))~~ DSHS will stop collecting the loan unless you get back on TANF/SFA.