

WSR 21-17-096
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 13, 2021, 2:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-13-016.

Title of Rule and Other Identifying Information: The department is planning to amend WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance?

Hearing Location(s): On September 21, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtual. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most up-to-date information.

Date of Intended Adoption: No earlier than September 22, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., September 21, 2021.

Assistance for Persons with Disabilities: Contact DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email DSHSRPAURulesCoordinator@dshs.wa.gov, by 5:00 p.m., September 7, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Planned amendments will align diversion cash assistance (DCA) program rules with SHB 2441 (chapter 338, Laws of 2020) changes implemented on July 1, 2021. These amendments will allow families whose temporary assistance for needy families closed in sanction between July 2010 and July 2021 to potentially qualify for DCA.

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, and 74.08A.230.

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, 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. This amendment is exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his 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 34.05.328 (5)(b)(vii).

Explanation of exemptions: The proposed amendments do not impact small businesses. They only impact DSHS clients.

August 12, 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.]