

WSR 25-15-098
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Community Services Division)
[Filed July 16, 2025, 1:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-02-023.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-450-0070 When do we count a child's income?

Hearing Location(s): On August 26, 2025, at 10:00 a.m., virtually via Teams or call in. See the DSHS website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than August 27, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, beginning July 23, 2025, at noon, by August 26, 2025, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, TTY 711 relay service, email shelley.tencza@dshs.wa.gov, by August 12, 2025, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments clarify rules for irrevocable educational trusts as authorized by RCW 74.12.350.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.12.350.

Statute Being Implemented: RCW 74.12.350.

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: Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, 360-764-0068.

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 under RCW 34.05.328 (5)(b)(vii), which states in part "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 relate only to internal governmental operations that are not subject to violation by a nongovernment party; 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 in-

corporating 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. Adopting in accordance with RCW 74.12.350.

Scope of exemption for rule proposal:

Is fully exempt.

July 14, 2025
Katherine I. Vasquez
Rules Coordinator

SHS-5091.1

AMENDATORY SECTION (Amending WSR 17-05-006, filed 2/2/17, effective 3/5/17)

WAC 388-450-0070 When do we count a child's income? (1) For food assistance, we do not count a child's earned income if the child is:

(a) In school;

(b) Age (~~(seventeen)~~) 17 or younger;

(c) Not married; and

(d) Living with a natural parent, adoptive parent, or stepparent or is under the parental control of a household member other than a parent.

(2) For cash assistance, we do not count a child's earnings if the child (~~(is)~~):

(a) (~~(In)~~) Is in school(~~(; and~~

~~(b) Meets)~~ and meets the age and attendance requirements in WAC 388-404-0005; or

(b) Has their income placed in a irrevocable trust for future educational needs for that child, up to \$4,000.

(3) School includes:

(a) Participating in a home-school program that is approved by the superintendent of public instruction; or

(b) On break between school terms when the child:

(i) Was enrolled during the previous school term; and

(ii) Plans to return to school when it reopens.