

## WSR 25-22-027

## PERMANENT RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 27, 2025, 3:21 p.m., effective November 27, 2025]

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

Purpose: The department of social and health services (department) is adopting amendments to WAC 388-410-0005 Cash assistance overpayment amount and liability. Effective July 1, 2025, these amendments implement provisions of SB 5079 (chapter 331, Laws of 2025), related to the aged, blind, or disabled (ABD) program, allowing the department to waive unintentional ABD cash overpayments. Once effective, this permanent filing supersedes the emergency rule filed under WSR 25-21-111.

Citation of Rules Affected by this Order: Amending WAC 388-410-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Other Authority: SB 5079 (chapter 331, Laws of 2025).

Adopted under notice filed as WSR 25-17-004 on August 6, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: October 27, 2025.

Katherine I. Vasquez  
Rules Coordinator

**SHS-5094.2**

AMENDATORY SECTION (Amending WSR 20-02-047, filed 12/23/19, effective 2/1/20)

**WAC 388-410-0005 Cash assistance overpayment amount and liability.** (1) The amount of overpayment for cash assistance households is determined by the amount of assistance received to which the assistance unit was not entitled.

(2) Cash overpayments are recovered from:

(a) Any adult member of an overpaid assistance unit, whether or not the member is currently a recipient;

(b) Any assistance unit of which an adult member of the overpaid assistance unit has subsequently become a member; ((e#))

(c) A nonneedy caretaker relative or guardian who received assistance for a child who is in the assistance unit(~~(-)~~); or

(d) An assistance unit when an unintentional overpayment of aged, blind, or disabled (ABD) cash assistance is established prior to July 1, 2025.

(3) A cash assistance overpayment is not recovered from:

(a) A child who was in the assistance unit at the time the overpayment was accrued; or

(b) A person not receiving assistance when an unintentional overpayment of less than (~~(thirty-five dollars)~~) \$35 is discovered, computed, or both.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount specified in (a) of this subsection; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a food assistance underpayment.

(6) An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

(7) All overpayments occurring after January 1, 1982, are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

(8) The department will not establish unintentional overpayments, as defined in WAC 388-410-0001, of aged, blind, or disabled (ABD) cash assistance on or after July 1, 2025.