
SENATE BILL 5812

State of Washington

54th Legislature

1995 Regular Session

By Senators Hochstatter, Wood, Schow, Long, McDonald, Strannigan, McCaslin, West and Oke

Read first time 02/07/95. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to minors receiving aid to families with dependent
2 children; amending RCW 74.04.0052 and 74.12.255; creating new sections;
3 providing an effective date; providing a contingent expiration date;
4 and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to
7 read as follows:

8 (1) The department shall determine, after consideration of all
9 relevant factors and in consultation with the applicant, the most
10 appropriate living situation for applicants under eighteen years of
11 age, unmarried, and pregnant who are eligible for general assistance as
12 defined in RCW 74.04.005(6)(a)(ii)(A). Appropriate living situations
13 shall include a place of residence maintained by the applicant's
14 parent, legal guardian, or other adult relative as their own home, or
15 other appropriate supportive living arrangement supervised by an adult
16 (~~where feasible and~~) consistent with federal regulations under 45
17 C.F.R. chapter II, section 233.107.

18 (2) An applicant under eighteen years of age who is pregnant and is
19 not living in a situation described in subsection (1) of this section

1 shall be (~~presumed to be unable to manage adequately the funds paid on~~
2 ~~behalf of the dependent child and, unless the teenage custodial parent~~
3 ~~demonstrates otherwise, shall be subject to the protective payee~~
4 ~~requirements provided for under RCW 74.12.250 and 74.08.280~~)
5 ineligible for a financial grant.

6 (3) The department shall consider any statements or opinions by
7 either parent of the teen recipient as to an appropriate living
8 situation for the teen, whether in the parental home or other
9 situation. If the parents of the teen head of household applicant for
10 assistance request, they shall be entitled to a hearing in juvenile
11 court regarding the fitness and suitability of their home as the top
12 priority choice for the pregnant or parenting teen applicant for
13 assistance.

14 The parents shall have the opportunity to make a showing, based on
15 the preponderance of the evidence, that the parental home is the most
16 appropriate living situation.

17 (4) In cases in which the head of household is under eighteen years
18 of age, unmarried, unemployed, and requests information on adoption,
19 the department shall, as part of the determination of the appropriate
20 living situation, provide information about adoption including referral
21 to community-based organizations for counseling.

22 **Sec. 2.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to read
23 as follows:

24 (1) The department shall determine, after consideration of all
25 relevant factors and in consultation with the applicant, the most
26 appropriate living situation for applicants under eighteen years of
27 age, unmarried, and either pregnant or having a dependent child in the
28 applicant's care. Appropriate living situations shall include a place
29 of residence maintained by the applicant's parent, legal guardian, or
30 other adult relative as their own home, or other appropriate supportive
31 living arrangement supervised by an adult (~~where feasible and~~)
32 consistent with federal regulations under 45 C.F.R. chapter II, section
33 233.107.

34 (2) An applicant under eighteen years of age who is either pregnant
35 or has a dependent child and is not living in a situation described in
36 subsection (1) of this section shall be (~~presumed to be unable to~~
37 ~~manage adequately the funds paid on behalf of the dependent child and,~~
38 ~~unless the teenage custodial parent demonstrates otherwise, shall be~~

1 ~~subject to the protective payee requirements provided for under RCW~~
2 ~~74.12.250 and 74.08.280)) ineligible for a financial grant.~~

3 (3) The department shall consider any statements or opinions by
4 either parent of the teen recipient as to an appropriate living
5 situation for the teen, whether in the parental home or other approved
6 supervised situation. If the parents of the teen head of household
7 applicant for assistance request, they shall be entitled to a hearing
8 in juvenile court regarding the fitness and suitability of their home
9 as the top priority choice for the pregnant or parenting teen applicant
10 for assistance.

11 The parents shall have the opportunity to make a showing, based on
12 the preponderance of the evidence, that the parental home is the most
13 appropriate living situation.

14 (4) In cases in which the head of household is under eighteen years
15 of age, unmarried, unemployed, and requests information on adoption,
16 the department shall, as part of the determination of the appropriate
17 living situation, provide information about adoption including referral
18 to community-based organizations for counseling.

19 NEW SECTION. **Sec. 3.** The governor and the department of social
20 and health services shall seek all necessary exemptions and waivers
21 from and amendments to federal statutes, rules, and regulations and
22 shall report to the appropriate committees in the house of
23 representatives and senate quarterly on the efforts to secure the
24 federal changes to permit full implementation of RCW 74.04.0052 and
25 74.12.255 at the earliest possible date.

26 NEW SECTION. **Sec. 4.** In the event that the department of social
27 and health services is not able to obtain the necessary exemptions,
28 waivers, or amendments referred to in section 3 of this act before
29 January 1, 1998, this act shall expire on that date and shall have no
30 further force or effect.

31 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
32 conflict with federal requirements that are a prescribed condition to
33 the allocation of federal funds to the state, the conflicting part of
34 this act is inoperative solely to the extent of the conflict and with
35 respect to the agencies directly affected, and this finding does not
36 affect the operation of the remainder of this act in its application to

1 the agencies concerned. The rules under this act shall meet federal
2 requirements that are a necessary condition to the receipt of federal
3 funds by the state.

4 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and shall take
7 effect July 1, 1995.

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