
SUBSTITUTE SENATE BILL 5307

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Children & Family Services (originally sponsored by Senators L. Smith, Talmadge, Roach, McMullen, von Reichbauer, Stratton, West, Niemi, Wojahn and Johnson).

Read first time February 28, 1991.

1 AN ACT Relating to public assistance; amending RCW 74.04.005; and
2 adding a new section to chapter 74.04 RCW.

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

4 **Sec. 1.** RCW 74.04.005 and 1990 c 285 s 2 are each amended to read
5 as follows:

6 For the purposes of this title, unless the context indicates
7 otherwise, the following definitions shall apply:

8 (1) "Public assistance" or "assistance"--Public aid to persons in
9 need thereof for any cause, including services, medical care,
10 assistance grants, disbursing orders, work relief, general assistance
11 and federal-aid assistance.

12 (2) "Department"--The department of social and health services.

13 (3) "County or local office"--The administrative office for one or
14 more counties or designated service areas.

1 (4) "Director" or "secretary" means the secretary of social and
2 health services.

3 (5) "Federal-aid assistance"--The specific categories of assistance
4 for which provision is made in any federal law existing or hereafter
5 passed by which payments are made from the federal government to the
6 state in aid or in respect to payment by the state for public
7 assistance rendered to any category of needy persons for which
8 provision for federal funds or aid may from time to time be made, or a
9 federally administered needs-based program.

10 (6) (a) "General assistance"--Aid to persons in need who are:

11 (i) (~~Are~~) Not eligible to receive federal-aid assistance, other
12 than food stamps and medical assistance; however, an individual who
13 refuses or fails to cooperate in obtaining federal-aid assistance,
14 without good cause, is not eligible for general assistance;

15 (ii) (~~Are either:~~) (A) Pregnant: PROVIDED, That need is based on
16 the current income and resource requirements of the federal aid to
17 families with dependent children program: PROVIDED FURTHER, That
18 during any period in which an aid for dependent children employable
19 program is not in operation, only those pregnant women who are
20 categorically eligible for medicaid are eligible for general
21 assistance; (~~or~~)

22 (B) Children residing in the home of a court-appointed legal
23 guardian who are: (I) Under the age of eighteen, or (II) under twenty
24 years of age and full-time students reasonably expected to complete a
25 program of secondary school, or the equivalent level of vocational or
26 technical training, before the end of the month in which they reach age
27 twenty. Eligibility, except the requirement to live with a relative of
28 specified degree, shall be based on the current requirements of the
29 federal aid to families with dependent children program, and need shall
30 be based on the current income and resource requirements of the federal

1 aid to families with dependent children program. In determining
2 eligibility and the amount of benefits, earnings of a full-time student
3 shall be disregarded. Assistance shall be provided on behalf of the
4 child or children only;

5 (C) Under twenty years of age and ineligible for aid to families
6 with dependent children solely due to federal age requirements, and are
7 full-time students reasonably expected to complete a program of
8 secondary school or the equivalent level of vocational or technical
9 training before the end of the month in which the person reaches
10 twenty. For purposes of determining payment amount, the student shall
11 be considered a member of the aid to families with dependent children
12 household of which the student would be a member but for the federal
13 age requirement. In determining eligibility and the amount of
14 benefits, earnings of a full-time student shall be disregarded. The
15 financial assistance shall also include a portion to meet the needs of
16 the student's needy caretaker relative if the needs are not otherwise
17 considered in an aid to families with dependent children or family
18 independence program grant provided to the household; or

19 (D) Incapacitated from gainful employment by reason of bodily or
20 mental infirmity that will likely continue for a minimum of sixty days
21 as determined by the department. Persons who are unemployable due to
22 alcohol or drug addiction are not eligible for general assistance.
23 Persons receiving general assistance on July 26, 1987, or becoming
24 eligible for such assistance thereafter, due to an alcohol or drug-
25 related incapacity, shall be referred to appropriate assessment,
26 treatment, shelter, or supplemental security income referral services
27 as authorized under chapter 74.50 RCW. Referrals shall be made at the
28 time of application or at the time of eligibility review. Alcoholic
29 and drug addicted clients who are receiving general assistance on July
30 26, 1987, may remain on general assistance if they otherwise retain

1 their eligibility until they are assessed for services under chapter
2 74.50 RCW. This subsection (6)(a)(ii)((+B))(D) shall not be construed
3 to prohibit the department from granting general assistance benefits to
4 alcoholics and drug addicts who are incapacitated due to other physical
5 or mental conditions that meet the eligibility criteria for the general
6 assistance program;

7 (iii) Are citizens or aliens lawfully admitted for permanent
8 residence or otherwise residing in the United States under color of
9 law; and

10 (iv) Have furnished the department their social security account
11 number. If the social security account number cannot be furnished
12 because it has not been issued or is not known, an application for a
13 number shall be made prior to authorization of assistance, and the
14 social security number shall be provided to the department upon
15 receipt.

16 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),
17 and (c) of this section, general assistance shall be provided to the
18 following recipients of federal-aid assistance:

19 (i) Recipients of supplemental security income whose need, as
20 defined in this section, is not met by such supplemental security
21 income grant because of separation from a spouse; or

22 (ii) ~~((To the extent authorized by the legislature in the biennial~~
23 ~~appropriations act, to))~~ Recipients of aid to families with dependent
24 children whose needs are not being met because of a temporary reduction
25 in monthly income below the entitled benefit payment level caused by
26 loss or reduction of wages or unemployment compensation benefits or
27 some other unforeseen circumstances. The amount of general assistance
28 authorized shall not exceed the difference between the entitled benefit
29 payment level and the amount of income actually received.

1 (c) General assistance shall be provided only to persons who are
2 not members of assistance units receiving federal aid assistance,
3 except as provided in subsection (6) (a)(ii)(A) and (~~(b)~~) (D) of this
4 section, and will accept available services which can reasonably be
5 expected to enable the person to work or reduce the need for assistance
6 unless there is good cause to refuse. Failure to accept such services
7 shall result in termination until the person agrees to cooperate in
8 accepting such services and subject to the following maximum periods of
9 ineligibility after reapplication:

10 (i) First failure: One week;

11 (ii) Second failure within six months: One month;

12 (iii) Third and subsequent failure within one year: Two months.

13 (d) The department shall adopt by rule medical criteria for general
14 assistance eligibility to ensure that eligibility decisions are
15 consistent with statutory requirements and are based on clear,
16 objective medical information.

17 (e) The process implementing the medical criteria shall involve
18 consideration of opinions of the treating or consulting physicians or
19 health care professionals regarding incapacity, and any eligibility
20 decision which rejects uncontroverted medical opinion must set forth
21 clear and convincing reasons for doing so.

22 (f) Recipients of general assistance based upon a finding of
23 incapacity from gainful employment who remain otherwise eligible shall
24 not have their benefits terminated absent a clear showing of material
25 improvement in their medical or mental condition or specific error in
26 the prior determination that found the recipient eligible by reason of
27 incapacitation. Recipients of general assistance based upon pregnancy
28 who remain otherwise eligible and who are not eligible to receive
29 benefits under the federal aid to families with dependent children

1 program shall not have their benefits terminated until six weeks
2 following the birth of the recipient's child.

3 (g) Students with earnings shall not be eligible for the essential
4 persons program unless the earnings are disregarded.

5 (7) "Applicant"--Any person who has made a request, or on behalf of
6 whom a request has been made, to any county or local office for
7 assistance.

8 (8) "Recipient"--Any person receiving assistance and in addition
9 those dependents whose needs are included in the recipient's
10 assistance.

11 (9) "Standards of assistance"--The level of income required by an
12 applicant or recipient to maintain a level of living specified by the
13 department.

14 (10) "Resource"--Any asset, tangible or intangible, owned by or
15 available to the applicant at the time of application, which can be
16 applied toward meeting the applicant's need, either directly or by
17 conversion into money or its equivalent: PROVIDED, That an applicant
18 may retain the following described resources and not be ineligible for
19 public assistance because of such resources.

20 (a) A home, which is defined as real property owned and used by an
21 applicant or recipient as a place of residence, together with a
22 reasonable amount of property surrounding and contiguous thereto, which
23 is used by and useful to the applicant. Whenever a recipient shall
24 cease to use such property for residential purposes, either for himself
25 or his dependents, the property shall be considered as a resource which
26 can be made available to meet need, and if the recipient or his
27 dependents absent themselves from the home for a period of ninety
28 consecutive days such absence, unless due to hospitalization or health
29 reasons or a natural disaster, shall raise a rebuttable presumption of
30 abandonment: PROVIDED, That if in the opinion of three physicians the

1 recipient will be unable to return to the home during his lifetime, and
2 the home is not occupied by a spouse or dependent children or disabled
3 sons or daughters, such property shall be considered as a resource
4 which can be made available to meet need.

5 (b) Household furnishings and personal effects and other personal
6 property having great sentimental value to the applicant or recipient,
7 as limited by the department consistent with limitations on resources
8 and exemptions for federal aid assistance.

9 (c) A motor vehicle, other than a motor home, used and useful
10 having an equity value not to exceed one thousand five hundred dollars.

11 (d) All other resources, including any excess of values exempted,
12 not to exceed one thousand dollars or other limit as set by the
13 department, to be consistent with limitations on resources and
14 exemptions necessary for federal aid assistance.

15 (e) Applicants for or recipients of general assistance may retain
16 the following described resources in addition to exemption for a motor
17 vehicle or home and not be ineligible for public assistance because of
18 such resources:

19 (i) Household furnishings, personal effects, and other personal
20 property having great sentimental value to the applicant or recipient;

21 (ii) Term and burial insurance for use of the applicant or
22 recipient;

23 (iii) Life insurance having a cash surrender value not exceeding
24 one thousand five hundred dollars; and

25 (iv) Cash, marketable securities, and any excess of values above
26 one thousand five hundred dollars equity in a vehicle and above one
27 thousand five hundred dollars in cash surrender value of life
28 insurance, not exceeding one thousand five hundred dollars for a single
29 person or two thousand two hundred fifty dollars for a family unit of
30 two or more. The one thousand dollar limit in subsection (10)(d) of

1 this section does not apply to recipients of or applicants for general
2 assistance.

3 (f) If an applicant for or recipient of public assistance possesses
4 property and belongings in excess of the ceiling value, such value
5 shall be used in determining the need of the applicant or recipient,
6 except that: (i) The department may exempt resources or income when
7 the income and resources are determined necessary to the applicant's or
8 recipient's restoration to independence, to decrease the need for
9 public assistance, or to aid in rehabilitating the applicant or
10 recipient or a dependent of the applicant or recipient; and (ii) the
11 department may provide grant assistance to persons who are otherwise
12 ineligible because of excess real property owned by such persons when
13 they are making a good faith effort to dispose of that property, but
14 the recipient must sign an agreement to dispose of the property and
15 repay assistance payments made to the date of disposition of the
16 property which would not have been made had the disposal occurred at
17 the beginning of the period for which the payments of such assistance
18 were made. In no event shall such amount due the state exceed the net
19 proceeds otherwise available to the recipient from the disposition,
20 unless after nine months from the date of the agreement the property
21 has not been sold, or if the recipient's eligibility for financial
22 assistance ceases for any other reason. In these two instances the
23 entire amount of assistance paid during this period will be treated as
24 an overpayment and a debt due the state, and may be recovered pursuant
25 to RCW 43.20B.630.

26 (11) "Income"--(a) All appreciable gains in real or personal
27 property (cash or kind) or other assets, which are received by or
28 become available for use and enjoyment by an applicant or recipient
29 during the month of application or after applying for or receiving
30 public assistance. The department may by rule and regulation exempt

1 income received by an applicant for or recipient of public assistance
2 which can be used by him to decrease his need for public assistance or
3 to aid in rehabilitating him or his dependents, but such exemption
4 shall not, unless otherwise provided in this title, exceed the
5 exemptions of resources granted under this chapter to an applicant for
6 public assistance. In determining the amount of assistance to which an
7 applicant or recipient of aid to families with dependent children is
8 entitled, the department is hereby authorized to disregard as a
9 resource or income the earned income exemptions consistent with federal
10 requirements. The department may permit the above exemption of
11 earnings of a child to be retained by such child to cover the cost of
12 special future identifiable needs even though the total exceeds the
13 exemptions or resources granted to applicants and recipients of public
14 assistance, but consistent with federal requirements. In formulating
15 rules and regulations pursuant to this chapter, the department shall
16 define income and resources and the availability thereof, consistent
17 with federal requirements. All resources and income not specifically
18 exempted, and any income or other economic benefit derived from the use
19 of, or appreciation in value of, exempt resources, shall be considered
20 in determining the need of an applicant or recipient of public
21 assistance.

22 (b) If, under applicable federal requirements, the state has the
23 option of considering property in the form of lump sum compensatory
24 awards or related settlements received by an applicant or recipient as
25 income or as a resource, the department shall consider such property to
26 be a resource.

27 (12) "Need"--The difference between the applicant's or recipient's
28 standards of assistance for himself and the dependent members of his
29 family, as measured by the standards of the department, and value of

1 all nonexempt resources and nonexempt income received by or available
2 to the applicant or recipient and the dependent members of his family.

3 (13) For purposes of determining eligibility for public assistance
4 and participation levels in the cost of medical care, the department
5 shall exempt restitution payments made to people of Japanese and Aleut
6 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
7 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
8 including all income and resources derived therefrom.

9 (14) In the construction of words and phrases used in this title,
10 the singular number shall include the plural, the masculine gender
11 shall include both the feminine and neuter genders and the present
12 tense shall include the past and future tenses, unless the context
13 thereof shall clearly indicate to the contrary.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW
15 to read as follows:

16 The department shall amend the state plan to include an aid to
17 families with dependent children essential persons program that would,
18 to the extent permitted under federal law, allow eighteen to twenty
19 year old students to be eligible for federal aid to families with
20 dependent children matching grants.