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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2798

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State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Sommers, Thibaudeau, Cooke, Peery, Silver, Dorn, R. Meyers, Talcott, Valle, Carlson, Dunshee, Linville, Rust, Ballasiotes, Sehlin, Jacobsen, Foreman, Wolfe, Wineberry, Mastin, G. Fisher, Grant, Campbell, Brough, L. Thomas, B. Thomas, Lisk, McMorris, Chandler, Wood, Schoesler, Sheldon, Rayburn, Kremen, Brumsickle, Holm, Roland, Pruitt, Jones, Flemming, Horn, Kessler, Long, Shin, Moak, Finkbeiner, Quall, Conway, Springer, Tate, Mielke and Johanson)

Read first time 02/08/94.

1 AN ACT Relating to public assistance reform; amending RCW 74.25.010  
2 and 74.25.020; adding new sections to chapter 74.12 RCW; adding new  
3 sections to chapter 74.25 RCW; adding a new section to chapter 74.20A  
4 RCW; creating new sections; repealing RCW 74.12.360; and providing  
5 effective dates.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that lengthy stays on  
8 welfare, the inadequate emphasis on employment by the social welfare  
9 system, and teen pregnancy are obstacles to achieving economic  
10 independence. Therefore, the legislature intends that:

11 (1) Income and employment assistance programs emphasize the  
12 temporary nature of welfare and set goals of responsibility, work, and  
13 independence;

14 (2) Employment assistance resources focus on recipients who are  
15 most at risk of a long-term stay on welfare;

16 (3) State institutions take an active role in preventing pregnancy  
17 in young teens; and

18 (4) Family planning assistance be readily available to welfare  
19 recipients.

1       **PART I.   EMPHASIZING WORK AND FAMILY PLANNING IN PUBLIC ASSISTANCE**

2           NEW SECTION.   **Sec. 2.**  A new section is added to chapter 74.12 RCW  
3 to read as follows:

4           The department shall train financial services and social work staff  
5 who provide direct service to recipients of aid to families with  
6 dependent children to:

7           (1) Effectively communicate the transitional nature of aid to  
8 families with dependent children and the expectation that recipients  
9 will enter employment;

10          (2) Actively refer clients to the job opportunities and basic  
11 skills program;

12          (3) Provide social services needed to overcome obstacles to  
13 employability; and

14          (4) Provide family planning information and assistance, including  
15 alternatives to abortion, which shall be conducted in consultation with  
16 the department of health.

17           NEW SECTION.   **Sec. 3.**  A new section is added to chapter 74.12 RCW  
18 to read as follows:

19           At time of application or reassessment under this chapter the  
20 department shall offer or contract for family planning information and  
21 assistance, including alternatives to abortion, to prospective and  
22 current recipients of aid to families with dependent children.

23                                   **PART II.   TEEN PREGNANCY PREVENTION**

24           NEW SECTION.   **Sec. 4.**  For the 1994-95 school year, the office of  
25 the superintendent of public instruction shall administer a program  
26 that provides grants to school districts for media campaigns promoting  
27 sexual abstinence and addressing the importance of delaying sexual  
28 activity, pregnancy, and childbearing until individuals are ready to  
29 nurture and support their children.  The messages shall be distributed  
30 in the school and community where produced.  Grants to the school  
31 districts shall be for projects that are substantially designed and  
32 produced by students.  The grants shall require a local private sector  
33 match equal to the state grant, which may include in-kind contribution  
34 of technical or other assistance from consultants or firms involved in  
35 public relations, advertising, broadcasting, and graphics or video

1 production or other related fields. For purposes of evaluating the  
2 impact of the campaigns, applicants shall estimate student pregnancy  
3 and birth rates over the prior three to five years.

4 **PART III. REFOCUSING JOBS**

5 **Sec. 5.** RCW 74.25.010 and 1991 c 126 s 5 are each amended to read  
6 as follows:

7 The legislature establishes as state policy the goal of economic  
8 self-sufficiency for employable recipients of public assistance,  
9 through employment, training, and education. In furtherance of this  
10 policy, the legislature intends to comply with the requirements of the  
11 federal social security act, as amended, by creating a job  
12 opportunities and basic skills training program for applicants and  
13 recipients of aid to families with dependent children. The purpose of  
14 this program is to provide recipients of aid to families with dependent  
15 children the opportunity to obtain a full range of necessary education,  
16 training, skills, and supportive services, including child care,  
17 consistent with their needs, that will help them enter or reenter  
18 gainful employment, thereby avoiding long-term welfare dependence and  
19 achieving economic self-sufficiency. The program shall be operated by  
20 the department of social and health services in conformance with  
21 federal law and consistent with the following legislative findings:

22 (1) The legislature finds that the well-being of children depends  
23 not only on meeting their material needs, but also on the ability of  
24 parents to become economically self-sufficient. The job opportunities  
25 and basic skills training program is specifically directed at  
26 increasing the labor force participation and household earnings of aid  
27 to families with dependent children recipients, through the removal of  
28 barriers preventing them from achieving self-sufficiency. These  
29 barriers include, but are not limited to, the lack of recent work  
30 experience, supportive services such as affordable and reliable child  
31 care, adequate transportation, appropriate counseling, and necessary  
32 job-related tools, equipment, books, clothing, and supplies, the  
33 absence of basic literacy skills, the lack of educational attainment  
34 sufficient to meet labor market demands for career employees, and the  
35 nonavailability of useful labor market assessments.

36 (2) The legislature also recognizes that aid to families with  
37 dependent children recipients must be acknowledged as active

1 participants in self-sufficiency planning under the program. The  
2 legislature finds that the department of social and health services  
3 should communicate concepts of the importance of work and how  
4 performance and effort directly affect future career and educational  
5 opportunities and economic well-being, as well as personal empowerment,  
6 self-motivation, and self-esteem to program participants. The  
7 legislature further recognizes that informed choice is consistent with  
8 individual responsibility, and that parents should be given a range of  
9 options for available child care while participating in the program.

10 (3) The legislature finds that current work experience is one of  
11 the most important factors influencing an individual's ability to work  
12 toward financial stability and an adequate standard of living in the  
13 long term, and that work experience should be the most important  
14 component of the program.

15 (4) The legislature finds that education, including, but not  
16 limited to, literacy, high school equivalency, vocational, secondary,  
17 and postsecondary, is one of the most important tools an individual  
18 needs to achieve full independence, and that this should be an  
19 important component of the program.

20 ((+4)) (5) The legislature further finds that the objectives of  
21 this program are to assure that aid to families with dependent children  
22 recipients gain experience in the labor force and thereby enhance their  
23 long-term ability to achieve financial stability and an adequate  
24 standard of living at wages that will meet family needs.

25 **Sec. 6.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to read  
26 as follows:

27 (1) The department of social and health services is authorized to  
28 contract with public and private employment and training agencies and  
29 other public service entities to provide services prescribed or allowed  
30 under the federal social security act, as amended, to carry out the  
31 purposes of the jobs training program. In contracting for job  
32 placement services, the department is encouraged to structure payments  
33 to the contractor on a performance basis. The department of social and  
34 health services has sole authority and responsibility to carry out the  
35 job opportunities and basic skills training program. No contracting  
36 entity shall have the authority to review, change, or disapprove any  
37 administrative decision, or otherwise substitute its judgment for that  
38 of the department of social and health services as to the application

1 of policies and rules adopted by the department of social and health  
2 services. The department shall aggressively seek to maximize the  
3 availability of federal funds for the job opportunities and basic  
4 skills program by utilizing available state and other funding as match  
5 for federal funds.

6 (2) To the extent feasible under federal law, the department of  
7 social and health services and all entities contracting with it shall  
8 ~~((give first priority of service to individuals volunteering for~~  
9 ~~program participation))~~ require nonexempt recipients who are parents  
10 under age twenty and nonexempt recipients who have received aid to  
11 families with dependent children for thirty-six of the preceding sixty  
12 months to actively participate in the job opportunities and basic  
13 skills training program. Social services shall be offered to  
14 participants in accordance with federal law. The department shall  
15 adopt appropriate sanctions to ensure compliance with the requirements  
16 and policies of this chapter.

17 (3) The department of social and health services shall adopt rules  
18 under chapter 34.05 RCW establishing criteria constituting  
19 circumstances of good cause for an individual failing or refusing to  
20 participate in an assigned program component, or failing or refusing to  
21 accept or retain employment. These criteria shall include, but not be  
22 limited to, the following circumstances: (a) If the individual is a  
23 parent or other relative personally providing care for a child under  
24 age ~~((six years, and the employment would require the individual to~~  
25 ~~work more than twenty hours per week))~~ two; (b) if child care, or day  
26 care for an incapacitated individual living in the same home as a  
27 dependent child, is necessary for an individual to participate or  
28 continue participation in the program or accept employment, and such  
29 care is not available, and the department of social and health services  
30 fails to provide such care; (c) the employment would result in the  
31 family of the participant experiencing a net loss of cash income; or  
32 (d) circumstances that are beyond the control of the individual's  
33 household, either on a short-term or on an ongoing basis.

34 (4) The department of social and health services shall develop a  
35 realistic schedule for the phase-in of recipient participation in the  
36 jobs opportunities and basic skills program based on the availability  
37 of state and federal funding.

38 (5) The department of social and health services shall offer  
39 services to both parents of a child qualifying for aid to families with

1 dependent children to prepare them for economic independence and  
2 financial support of their child through appropriate education,  
3 training, job development, and related skills. The services shall be  
4 culturally and ethnically appropriate and shall be provided in a cost-  
5 effective manner. The provisions of this subsection are subject to  
6 available federal funding. The department of social and health  
7 services shall pursue available federal funding and report its success  
8 in securing funding to the appropriate fiscal committees of the house  
9 of representatives and the senate by October 15, 1994.

10 (6) The department of social and health services shall adopt rules  
11 under chapter 34.05 RCW as necessary to effectuate the intent and  
12 purpose of this chapter.

13 NEW SECTION. Sec. 7. A new section is added to chapter 74.25 RCW  
14 to read as follows:

15 The assessments and employability plan shall identify and primarily  
16 respond to a participant's job readiness. The job opportunities and  
17 basic skills training program components specified by the employability  
18 plan shall place a high priority on participants gaining work  
19 experience and participants under RCW 74.25.020(2) will normally be  
20 expected to take any job offered unless there is good cause to refuse  
21 to accept a job. Good cause shall be found if any of the conditions  
22 described in RCW 74.25.020(3) are met, or if accepting a job would  
23 result in a participant having to discontinue an education or job  
24 training program that is part of the participant's employability plan  
25 prior to completion of such education or job training program.

26 The department of social and health services shall track the  
27 experience of those recipients who accept any job offered as part of  
28 their job opportunities and basic skills program participation. In  
29 tracking such recipients, the department shall determine the wages and  
30 hours of the job taken, whether earnings resulted in ineligibility for  
31 aid to families with dependent children, whether the recipient returns  
32 to the aid to families with dependent children program, and, for  
33 recipients who do return to the aid to families with dependent  
34 children, the wages and hours of subsequent jobs taken.

35 Hours of unsubsidized employment shall count towards participation  
36 requirements independent of date of hire or concurrent participation in  
37 other components of the job opportunities and basic skills program.

1 The services specified in the employability plan will be targeted as  
2 follows:

3 (1) Participants under age twenty may be required to complete high  
4 school or other basic skills training;

5 (2) Participants who do not have recent work experience shall be  
6 required to participate in paid or unpaid work experience or activities  
7 leading directly to such experience, including job search, job  
8 readiness, and job skills training;

9 (3) Participants who have recent work experience and more than a  
10 high school diploma shall be required to participate in job search; and

11 (4) Vocational education programs shall be emphasized over  
12 postsecondary education programs.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.25 RCW  
14 to read as follows:

15 Recipients of aid to families with dependent children who are not  
16 participating in an education or work training program may volunteer to  
17 work in a licensed child care facility. Licensed child care facilities  
18 participating in this effort shall provide care for the recipient's  
19 children and provide for the development of positive child care skills.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.25 RCW  
21 to read as follows:

22 The department of social and health services shall actively  
23 incorporate job development services into the job opportunities and  
24 basic skills program as follows:

25 (1) Job development services shall be based in the department's  
26 community services offices.

27 (2) Job developers shall be responsible for identifying existing  
28 and potential job openings, by developing relationships with existing  
29 and potential area employers.

30 **PART IV. ELIGIBILITY AND BENEFIT PAYMENT REVISIONS**

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.12 RCW  
32 to read as follows:

33 (1) An applicant shall be presumed ineligible for aid to families  
34 with dependent children if the applicant is under eighteen years of  
35 age, unmarried, and is either pregnant or has a dependent child in the

1 applicant's care and the applicant and the applicant's dependent child  
2 or children do not live in a place maintained by the applicant's  
3 parent, legal guardian, or other adult relative as their own home, or  
4 other appropriate supportive living arrangement supervised by an adult.

5 (2) The department may determine, after consideration of all  
6 relevant factors, that application of the presumption established in  
7 subsection (1) of this section to an individual applicant is not  
8 appropriate.

9 (3) An applicant under eighteen years of age who is either pregnant  
10 or has a dependent child and is not living in a situation described in  
11 subsection (1) of this section shall be presumed to be unable to manage  
12 adequately the funds paid on behalf of the dependent child and, unless  
13 the teenage custodial parent demonstrates otherwise, shall be subject  
14 to the protective payee requirements provided for under RCW 74.12.250.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.12 RCW  
16 to read as follows:

17 The department shall pay to recipients of aid to families with  
18 dependent children who are participating in the job opportunities and  
19 basic skills training program a cash grant equal to the combined  
20 monthly aid to families with dependent children benefit and monthly  
21 food stamp benefit.

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.12 RCW  
23 to read as follows:

24 (1) After forty-eight monthly benefit payments in a sixty-month  
25 period, and after each additional twelve monthly benefit payments, the  
26 aid to families with dependent children monthly benefit payment shall  
27 be reduced by ten percent of the payment standard, except that after  
28 forty-eight monthly payments in a sixty-month period, full monthly  
29 benefit payments may be made if:

30 (a) The person is incapacitated or is needed in the home to care  
31 for a member of the assistance unit who is incapacitated;

32 (b) The person is needed in the home to care for a child who is  
33 under two years of age;

34 (c) There are no adults in the assistance unit;

35 (d) The person has cooperated in the development and implementation  
36 of an employability plan while receiving aid to families with dependent  
37 children and no full-time, part-time, or unpaid work experience job is



1 offered during the period in which an employability plan is in effect;  
2 or

3 (e) During a month in which a grant reduction would be imposed  
4 under this section, the person is participating in an unpaid work  
5 experience program.

6 (2) For purposes of determining the amount of the food stamp  
7 benefit for recipients subject to benefit reductions provided for in  
8 subsection (1) of this section, countable income from the aid to  
9 families with dependent children program shall be set at the payment  
10 standard.

11 (3) For purposes of determining monthly benefit payments for two  
12 parent aid to families with dependent children households, the length  
13 of stay criterion will be applied to the parent with the longer history  
14 of public assistance receipt.

15 NEW SECTION. **Sec. 13.** A new section is added to chapter 74.12 RCW  
16 to read as follows:

17 For purposes of determining the amount of monthly benefit payment  
18 to recipients of aid to families with dependent children who are  
19 subject to benefit reductions due to length of stay, all countable  
20 nonexempt earned income shall be subtracted from an amount equal to the  
21 payment standard.

22 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.12 RCW  
23 to read as follows:

24 The department shall amend the state plan to eliminate the one  
25 hundred hour work rule for recipients of aid to families with dependent  
26 children-employable.

27 NEW SECTION. **Sec. 15.** A new section is added to chapter 74.12 RCW  
28 to read as follows:

29 The revisions to the aid to families with dependent children  
30 program and job opportunities and basic skills training program shall  
31 be implemented by the department of social and health services on a  
32 state-wide basis.

33 **PART V. CHILD SUPPORT**

1        NEW SECTION.    **Sec. 16.**    The department of social and health  
2 services shall make a substantial effort to determine the identity of  
3 the noncustodial parent through consistent implementation of RCW  
4 70.58.080. By December 1, 1994, the department of social and health  
5 services shall report to the fiscal committees of the legislature on  
6 the method for validating claims of good cause for refusing to  
7 establish paternity, the methods used in other states, and the national  
8 average rate of claims of good cause for refusing to establish  
9 paternity compared to the Washington state rate of claims of good cause  
10 for refusing to establish paternity, the reasons for differences in the  
11 rates, and steps that may be taken to reduce these differences.

12        NEW SECTION.    **Sec. 17.**    A new section is added to chapter 74.20A  
13 RCW to read as follows:

14        (1) In each case within the jurisdiction of the office of support  
15 enforcement in which a child support obligation has been established,  
16 the secretary shall issue a letter, by mail, to the parent responsible  
17 for payment of the support obligation. The letter shall notify the  
18 parent that the fact and amount of the child support obligation will be  
19 reported to consumer reporting agencies, as defined in RCW 19.182.010,  
20 operating in the state of Washington.

21        (2) Within thirty days following the date that a notice described  
22 in subsection (1) of this section is mailed, the secretary shall report  
23 the fact and amount of the child support obligation to consumer  
24 reporting agencies, as defined in RCW 19.182.010, operating in the  
25 state of Washington. Any modification in the amount of a child support  
26 obligation for which a report has been made under this section, shall  
27 be reported to consumer reporting agencies, as defined in RCW  
28 19.182.010, operating in the state of Washington.

29    **PART VI.   MISCELLANEOUS**

30        NEW SECTION.    **Sec. 18.**    A new section is added to chapter 74.12 RCW  
31 to read as follows:

32        By October 1, 1994, the department shall request the governor to  
33 seek congressional action on any federal legislation that may be  
34 necessary to implement any sections of chapter . . . , Laws of 1994  
35 (this act). By October 1, 1994, the department shall request the

1 governor to seek federal agency action on any federal regulation that  
2 may require a federal waiver.

3 NEW SECTION. **Sec. 19.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 20.** If any part of this act is found to be in  
8 conflict with federal requirements that are a prescribed condition to  
9 the allocation of federal funds to the state, the conflicting part of  
10 this act is inoperative solely to the extent of the conflict and with  
11 respect to the agencies directly affected, and this finding does not  
12 affect the operation of the remainder of this act in its application to  
13 the agencies concerned. The rules under this act shall meet federal  
14 requirements that are a necessary condition to the receipt of federal  
15 funds by the state.

16 NEW SECTION. **Sec. 21.** RCW 74.12.360 and 1993 c 312 s 10 are each  
17 repealed.

18 NEW SECTION. **Sec. 22.** Sections 6, 7, and 11 of this act shall  
19 take effect July 1, 1995.

20 NEW SECTION. **Sec. 23.** Sections 12 and 13 of this act shall take  
21 effect July 1, 1996.

22 NEW SECTION. **Sec. 24.** Part headings as used in this act  
23 constitute no part of the law.

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