

2 **ESSB 5244** - H COMM AMD **ADOPTED 4/6/95**

3 By Committee on Children & Family Services

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read
8 as follows:

9 For the purposes of the administration of aid to families with
10 dependent children assistance, the term "dependent child" means any
11 child in need under the age of eighteen years who has been deprived of
12 parental support or care by reason of the death, continued absence from
13 the home, or physical or mental incapacity of the parent, and who is
14 living with a relative as specified under federal aid to families with
15 dependent children program requirements, in a place of residence
16 maintained by one or more of such relatives as his or their homes. The
17 term "dependent child" does not include a child who voluntarily leaves
18 the home of a parent, without the consent of the parent, unless:

19 (1) Out-of-home placement has been approved for that child under
20 chapter 13.32A RCW and the parent is required to contribute to support
21 of the child pursuant to RCW 13.32A.175; or

22 (2) The child has been determined by a court to meet the criteria
23 under RCW 13.34.030(4) (a), (b), or (c).

24 The term a "dependent child" shall, notwithstanding the foregoing,
25 also include a child who would meet such requirements except for his
26 removal from the home of a relative specified above as a result of a
27 judicial determination that continuation therein would be contrary to
28 the welfare of such child, for whose placement and care the state
29 department of social and health services or the county office is
30 responsible, and who has been placed in a licensed or approved child
31 care institution or foster home as a result of such determination and
32 who: ~~((+1))~~ Was receiving an aid to families with dependent children
33 grant for the month in which court proceedings leading to such
34 determination were initiated; or ~~((+2))~~ would have received aid to
35 families with dependent children for such month if application had been
36 made therefor; or ~~((+3))~~ in the case of a child who had been living

1 with a specified relative within six months prior to the month in which
2 such proceedings were initiated, would have received aid to families
3 with dependent children for such month if in such month he had been
4 living with such a relative and application had been made therefor, as
5 authorized by the Social Security Act: PROVIDED, That to the extent
6 authorized by the legislature in the biennial appropriations act and to
7 the extent that matching funds are available from the federal
8 government, aid to families with dependent children assistance shall be
9 available to any child in need who has been deprived of parental
10 support or care by reason of the unemployment of a parent or stepparent
11 liable under this chapter for support of the child.

12 "Aid to families with dependent children" means money payments,
13 services, and remedial care with respect to a dependent child or
14 dependent children and the needy parent or relative with whom the child
15 lives and may include another parent or stepparent of the dependent
16 child if living with the parent and if the child is a dependent child
17 by reason of the physical or mental incapacity or unemployment of a
18 parent or stepparent liable under this chapter for the support of such
19 child.

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

22 (1) Whenever the department receives an application for aid to
23 families with dependent children assistance on behalf of a child under
24 this chapter, the department shall determine whether the child is
25 living with a parent of the child. Whenever the child is living in the
26 home of a person or relative other than a parent of the child, the
27 department shall notify the parent that an application for assistance
28 on behalf of the child has been received by the department.

29 (2) If the department determines that the child has voluntarily
30 left the home of a parent, without the consent of the parent, the
31 department shall advise the parent of the provisions of the family
32 reconciliation act under Chapter 13.32A RCW.

33 (3) Upon written request of the parent, the department shall notify
34 the parent of the address and location of the child subject to the
35 provisions of RCW 74.04.060.

36 (4) If a child voluntarily leaves the home of a parent, without
37 parental consent, the parent has no obligation or duty to pay for any

1 aid to families with dependent children assistance provided under this
2 chapter.

3 **Sec. 3.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read
4 as follows:

5 (1) For the protection of applicants and recipients, the department
6 and the county offices and their respective officers and employees are
7 prohibited, except as hereinafter provided, from disclosing the
8 contents of any records, files, papers and communications, except for
9 purposes directly connected with the administration of the programs of
10 this title. In any judicial proceeding, except such proceeding as is
11 directly concerned with the administration of these programs, such
12 records, files, papers and communications, and their contents, shall be
13 deemed privileged communications and except for the right of any
14 individual to inquire of the office whether a named individual is a
15 recipient of welfare assistance and such person shall be entitled to an
16 affirmative or negative answer. ~~((However,))~~

17 (2) Upon written request of a parent who has been awarded
18 visitation rights in an action for divorce or separation or any parent
19 with legal custody of the child, the department shall disclose to him
20 or her the last known address and location of his or her natural or
21 adopted children. The secretary shall adopt rules which establish
22 procedures for disclosing the address of the children and providing,
23 when appropriate, for prior notice to the custodian of the children.
24 The notice shall state that a request for disclosure has been received
25 and will be complied with by the department unless the department
26 receives a copy of a court order which enjoins the disclosure of the
27 information or restricts or limits the requesting party's right to
28 contact or visit the other party or the child. Information supplied to
29 a parent by the department shall be used only for purposes directly
30 related to the enforcement of the visitation and custody provisions of
31 the court order of separation or decree of divorce. No parent shall
32 disclose such information to any other person except for the purpose of
33 enforcing visitation provisions of the said order or decree.

34 (3) When an application for aid to families with dependent children
35 assistance has been filed on the behalf of a child who has left his or
36 her parent's home, without the parent's consent, the department shall,
37 upon written request of the parent, disclose to the parent the last
38 known address and location of the child. The department, when

1 appropriate, shall provide prior notice to the adult with whom the
2 child is living. The notice shall state that a request for disclosure
3 has been received and will be complied with by the department unless
4 the department receives a copy of a court order that enjoins the
5 disclosure of the information or restricts or limits the requesting
6 party's right to contact or visit the other party or the child. If the
7 department believes that there is clear and cogent evidence that the
8 parent is responsible for abuse or neglect of the child, the department
9 may not disclose to the parent the child's last known address or
10 location until a shelter care hearing under chapter 13.34 RCW has been
11 held.

12 (4) The county offices shall maintain monthly at their offices a
13 report showing the names and addresses of all recipients in the county
14 receiving public assistance under this title, together with the amount
15 paid to each during the preceding month.

16 (5) The provisions of this section shall not apply to duly
17 designated representatives of approved private welfare agencies, public
18 officials, members of legislative interim committees and advisory
19 committees when performing duties directly connected with the
20 administration of this title, such as regulation and investigation
21 directly connected therewith: PROVIDED, HOWEVER, That any information
22 so obtained by such persons or groups shall be treated with such degree
23 of confidentiality as is required by the federal social security law.

24 (6) It shall be unlawful, except as provided in this section, for
25 any person, body, association, firm, corporation or other agency to
26 solicit, publish, disclose, receive, make use of, or to authorize,
27 knowingly permit, participate in or acquiesce in the use of any lists
28 or names for commercial or political purposes of any nature. The
29 violation of this section shall be a gross misdemeanor.

30 NEW SECTION. Sec. 4. A new section is added to chapter 74.04 RCW
31 to read as follows:

32 The department shall pay to a parent his or her reasonable
33 attorneys' fees attributable to reversing or correcting any proposed,
34 preliminary, or final decision by the department or by an
35 administrative law judge that if implemented would:

36 (1) Require the parent to reimburse the state for the department's
37 payment provided under the "aid to families with dependent children"
38 program where: (a) The department's payment is made for the parent's

1 child who has voluntarily left the home of the parent to reside in the
2 home of another person; (b) the department's payment is made on the
3 child's behalf to such other person; and (c) the decision is reversed
4 or corrected because the decision maker, contrary to law, had
5 incorrectly classified the child as a "dependent child" under RCW
6 74.12.010;

7 (2) Deny a parent information disclosing the last known address and
8 location of his or her child and where such disclosure is required
9 under RCW 74.04.060; or

10 (3) Deny a parent's request for payment of reasonable attorneys'
11 fees where the parent is entitled to the same under subsection (1) or
12 (2) of this section. This subsection (3) only applies if the payment
13 amount last requested in writing by the parent and denied by the
14 department is more than ninety percent of the amount that is awarded in
15 any legal action brought by the parent to collect payment.

16 NEW SECTION. **Sec. 5.** The provisions of section 4 of this act also
17 apply to provide a parent with a right to payment of reasonable
18 attorneys' fees attributable to reversing or correcting a decision made
19 during the period commencing January 1, 1990, and ending on the
20 effective date of this act. However, this retroactive right to payment
21 shall be based on the law as it existed at the time of the department's
22 decision.

23 NEW SECTION. **Sec. 6.** By October 1, 1995, the department shall
24 request the governor to seek congressional action on any federal
25 legislation that may be necessary to implement any sections of this
26 act. By October 1, 1995, the department shall request the governor to
27 seek federal agency action on any federal regulation that may require
28 a federal waiver. By January 1 of each year, the department shall
29 report to the legislature on the status of its efforts to obtain any
30 federal statutory or regulatory waivers provided in this section. If
31 all federal statutory or regulatory waivers necessary to fully
32 implement this act have not been obtained, the department shall report
33 the extent to which this act can be implemented without receipt of such
34 waivers. The reporting requirement under this section shall terminate
35 upon a report from the department that all waivers necessary to
36 implement this act have been obtained.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

5 **ESSB 5244** - H COMM AMD
6 By Committee on Children & Family Services

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8 On page 1, line 2 of the title, after "children;" strike the
9 remainder of the title and insert "amending RCW 74.12.010 and
10 74.04.060; adding a new section to chapter 74.12 RCW; adding a new
11 section to chapter 74.04 RCW; and creating new sections."

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