

SSB 5921 - S AMD 383
By Senator Regala

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that stable and
4 sustainable employment is the key goal of the WorkFirst and temporary
5 assistance for needy families programs. Achieving stable and
6 sustainable employment is a developmental process that takes time,
7 effort, and engagement. In times of fiscal challenge, temporary
8 assistance for needy families and WorkFirst resources must be invested
9 in program elements that produce the best results for low-income
10 families and the state of Washington.

11 The legislature further finds that the core tenets that are the
12 foundation of Washington state's WorkFirst program are: (1) Achieving
13 stable and successful employment; (2) recognizing the critical role
14 that participants play in their children's development, healthy growth,
15 and promotion of family stability; (3) developing strategies founded on
16 the principle that WorkFirst is a transitional, not long-term, program
17 to assist families on the pathway to self-sufficiency while holding
18 them accountable; and (4) leveraging resources outside the funding for
19 temporary assistance for needy families is crucial to achieving
20 WorkFirst goals. It is the intent of the legislature, using evidence-
21 based and research-based practices, to develop a road map to self-
22 sufficiency for WorkFirst participants and temporary assistance for
23 needy families recipients.

24 **Sec. 2.** RCW 74.08A.260 and 2009 c 85 s 2 are each amended to read
25 as follows:

26 (1) Each recipient shall be assessed after determination of program
27 eligibility and before referral to job search. Assessments shall be
28 based upon factors that are critical to obtaining employment, including
29 but not limited to education, availability of child care, history of

1 family violence, history of substance abuse, and other factors that
2 affect the ability to obtain employment. Assessments may be performed
3 by the department or by a contracted entity. The assessment shall be
4 based on a uniform, consistent, transferable format that will be
5 accepted by all agencies and organizations serving the recipient.

6 (2) Based on the assessment, an individual responsibility plan
7 shall be prepared that: (a) Sets forth an employment goal and a plan
8 for maximizing the recipient's success at meeting the employment goal;
9 (b) considers WorkFirst educational and training programs from which
10 the recipient could benefit; (c) contains the obligation of the
11 recipient to participate in the program by complying with the plan; (d)
12 moves the recipient into full-time WorkFirst activities as quickly as
13 possible; and (e) describes the services available to the recipient
14 either during or after WorkFirst to enable the recipient to obtain and
15 keep employment and to advance in the workplace and increase the
16 recipient's wage earning potential over time.

17 ~~((+2))~~ (3) Recipients who are not engaged in work and work
18 activities, and do not qualify for a good cause exemption under RCW
19 74.08A.270, shall engage in self-directed service as provided in RCW
20 74.08A.330.

21 ~~((+3))~~ (4) If a recipient refuses to engage in work and work
22 activities required by the department, the family's grant shall be
23 reduced by the recipient's share, and may, if the department determines
24 it appropriate, be terminated.

25 ~~((+4))~~ (5) The department may waive the penalties required under
26 subsection ~~((+3))~~ (4) of this section, subject to a finding that the
27 recipient refused to engage in work for good cause provided in RCW
28 74.08A.270.

29 ~~((+5) In implementing this section, the department shall assign the
30 highest priority to the most employable clients, including adults in
31 two-parent families and parents in single-parent families that include
32 older preschool or school-age children to be engaged in work
33 activities.))~~

34 (6) In consultation with the recipient, the department or
35 contractor shall place the recipient into a work activity that is
36 available in the local area where the recipient resides.

37 (7) Assessments conducted under this section shall include a
38 consideration of the potential benefit to the recipient of engaging in

1 financial literacy activities. The department shall consider the
2 options for financial literacy activities available in the community,
3 including information and resources available through the financial
4 (~~literacy~~) education public-private partnership created under RCW
5 28A.300.450. The department may authorize up to ten hours of financial
6 literacy activities as a core activity or an optional activity under
7 WorkFirst.

8 (8) From July 1, 2011, through June 30, 2012, subsections (2)
9 through (6) of this section are suspended for a recipient who is a
10 parent or other relative personally providing care for a child under
11 the age of six years. This suspension applies to both one and two
12 parent families. Beginning July 1, 2012, the department shall phase in
13 the work activity requirements that were suspended, beginning with
14 those recipients closest to reaching the sixty-month limit of receiving
15 temporary assistance for needy families under RCW 74.08A.010(1). The
16 phase in shall be accomplished so that a fairly equal number of
17 recipients required to participate in work activities are returned to
18 those activities each month until the total number required to
19 participate is participating by June 30, 2013. Nothing in this
20 subsection shall prevent a recipient from participating in the
21 WorkFirst program on a voluntary basis.

22 (9)(a) A legislative task force overseeing the WorkFirst program is
23 established, with members as provided in this subsection.

24 (i) The president of the senate shall appoint one member from each
25 of the two largest caucuses of the senate.

26 (ii) The speaker of the house of representatives shall appoint one
27 member from each of the two largest caucuses of the house of
28 representatives.

29 (iii) The governor shall appoint members representing the
30 department of social and health services, the department of early
31 learning, the department of commerce, the employment security
32 department, the office of financial management, and the state board for
33 community and technical colleges.

34 (iv) The task force shall choose cochairs, one from among the
35 legislative members and one from among the executive branch members.
36 The legislative members shall convene the initial meeting of the task
37 force.

38 (b) The task force shall:

1 (i) Oversee the redesign of the WorkFirst program and the
2 implementation of the statutes and budget provisions controlling the
3 temporary assistance for needy families program;

4 (ii) Determine evidence-based outcome measures for the WorkFirst
5 program;

6 (iii) Establish strategies most likely to result in the achievement
7 of the outcome measures and the recipient's progress towards
8 self-sufficiency;

9 (iv) Develop accountability measures for the WorkFirst recipients
10 and the state agencies responsible for their progress toward self-
11 sufficiency;

12 (v) Develop and oversee, as part of the WorkFirst redesign, the
13 implementation of a comprehensive family assessment to be used at
14 program entry; the use of an evaluation after completion of the family
15 assessment which is designed to identify the appropriate work
16 preparation activities and service levels for the recipient; and the
17 use of a predictive modeling tool to be used to identify risk factors
18 relating to a recipient's participation in the temporary assistance for
19 needy families program and his or her employability, and especially
20 identifying those recipients most likely to experience long stays on
21 the program as well as those recipients likely to experience short
22 stays on the program;

23 (vi) Improve the responsiveness of the WorkFirst program in meeting
24 the employment needs of Washington businesses;

25 (vii) Improve individual level outcomes; and

26 (viii) Support families in developing skills that lead to a stable
27 family environment and reduce intergenerational poverty.

28 (c) Staff support for the task force must be provided by senate
29 committee services and the house of representatives office of program
30 research.

31 (d) Between July 1, 2011, and June 30, 2012, the task force shall
32 meet monthly to focus on the redesign of the WorkFirst program. The
33 task force shall report its initial findings and recommendations to the
34 governor and the legislature no later than July 30, 2012.

35 (e) From July 1, 2012, to June 30, 2014, the task force will meet
36 quarterly. During this time period the responsibilities of the task
37 force shall be to:

1 (i) Provide ongoing review of the implementation of the WorkFirst
2 redesign process and modify the program to ensure that it is achieving
3 results for its clients;

4 (ii) Jointly decide how the temporary assistance for needy families
5 state and federal dollars will be spent;

6 (iii) Make recommendations to the governor and the legislature
7 regarding necessary changes to the program;

8 (iv) Receive regular reports from the partner agencies on the
9 impact of program reductions;

10 (v) Receive regular reports on the characteristics of the families
11 who have been unsuccessful on the program and have lost their benefits
12 either through sanction or the sixty-month time limit;

13 (vi) Review and make recommendations on the implementation of
14 federal changes to the temporary assistance for needy families program;
15 and

16 (vii) Issue annual reports regarding its work.

17 (f) During its tenure, the task force will receive regular reports
18 on the partner agencies' progress toward the outcome goals and it will
19 advise the governor and the legislature on child care and temporary
20 assistance for needy families policies to improve the effectiveness of
21 the WorkFirst program over time.

22 (g) This subsection (9) expires June 30, 2014.

23 **Sec. 3.** RCW 74.08A.290 and 1997 c 58 s 316 are each amended to
24 read as follows:

25 (1) ~~((It is the intent of the legislature that))~~ On or before July
26 1, 2012, the department ~~((is authorized to))~~ shall engage in
27 competitive contracting using performance-based contracts to provide
28 all WorkFirst work activities ~~((authorized in chapter 58, Laws of 1997,~~
29 ~~including the job search component authorized in section 312 of this~~
30 ~~act)).~~ All contracted services procured pursuant to this chapter are
31 expressly mandated in accordance with RCW 41.06.142(3) and shall not be
32 subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

33 (2) The department ~~((may))~~ shall use competitive performance-based
34 contracting to select ~~((which vendors will participate))~~ the public or
35 private vendors to provide services in the WorkFirst program.
36 WorkFirst services provided by partner agencies shall also be pursuant
37 to performance-based contracts. Performance-based contracts shall be

1 awarded based on factors that include but are not limited to the
2 criteria listed in RCW 74.08A.410, past performance of the contractor,
3 demonstrated ability to perform the contract effectively, financial
4 strength of the contractor, and merits of the proposal for services
5 submitted by the contractor. Contracts shall be made without regard to
6 whether the contractor is a public or private entity.

7 (3) The department (~~may~~) shall contract for an evaluation of the
8 competitive contracting practices and outcomes to be performed by (~~an~~
9 ~~independent entity with expertise in government privatization and~~
10 ~~competitive strategies~~) the Washington state institute for public
11 policy. The evaluation shall include (~~quarterly~~) annual progress
12 reports to the appropriate policy and fiscal committees of the
13 legislature and to the governor, starting (~~at the first quarter after~~
14 ~~the effective date of the first competitive contract and ending two~~
15 ~~years after the effective date of the first competitive contract~~) June
16 30, 2012.

17 (4) The department shall work with the WorkFirst task force to
18 develop appropriate outcomes by which the contractors performance will
19 be measured. The outcomes shall be developed no later than November
20 30, 2011.

21 (5) The department shall seek independent assistance in developing
22 contracting strategies to implement this section. Assistance may
23 include but is not limited to development of contract language, design
24 of requests for proposal, developing full cost information on
25 government services, evaluation of bids, and providing for equal
26 competition between private and public entities.

27 NEW SECTION. Sec. 4. A new section is added to chapter 74.12 RCW
28 to read as follows:

29 The department may adopt rules establishing income eligibility for
30 temporary assistance for needy families benefits for a child, other
31 than a foster child, who lives with a caregiver other than his or her
32 parents. The department shall establish a sliding scale benefit
33 standard for a child when the income of the child's caregiver is above
34 two hundred percent but below three hundred percent of the federal
35 poverty level based on family size. A caregiver with an income above
36 three hundred percent of the federal poverty level shall not be

1 eligible for temporary assistance for needy families benefits for a
2 child, not a foster child, who is residing with that caregiver.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.08A RCW
4 to read as follows:

5 In determining the income eligibility of an applicant or recipient
6 for temporary assistance for needy families or WorkFirst, the
7 department shall not count the federal supplemental security income
8 received by a household member.

9 **Sec. 6.** RCW 74.08A.010 and 2004 c 54 s 4 are each amended to read
10 as follows:

11 (1) A family that includes an adult who has received temporary
12 assistance for needy families for sixty months after July 27, 1997,
13 shall be ineligible for further temporary assistance for needy families
14 assistance. For purposes of this section, "adult" includes
15 undocumented parents receiving temporary assistance for needy families
16 on behalf of their biological children who are United States citizens.

17 (2) For the purposes of applying the rules of this section, the
18 department shall count any month in which an adult family member
19 received a temporary assistance for needy families cash assistance
20 grant unless the assistance was provided when the family member was a
21 minor child and not the head of the household or married to the head of
22 the household.

23 (3) The department shall refer recipients who require specialized
24 assistance to appropriate department programs, crime victims' programs
25 through the department of ~~((community, trade, and economic~~
26 ~~development))~~ commerce, or the crime victims' compensation program of
27 the department of labor and industries.

28 (4) The department may exempt a recipient and the recipient's
29 family from the application of subsection (1) of this section by reason
30 of hardship or if the recipient meets the family violence options of
31 section 402(A)(7) of Title IVA of the federal social security act as
32 amended by P.L. 104-193. ~~((The number of recipients and their families~~
33 ~~exempted from subsection (1) of this section for a fiscal year shall~~
34 ~~not exceed twenty percent of the average monthly number of recipients~~
35 ~~and their families to which assistance is provided under the temporary~~
36 ~~assistance for needy families program.))~~

1 (5) The department shall not exempt a recipient and his or her
2 family from the application of subsection (1) of this section until
3 after the recipient has received fifty-two months of assistance under
4 this chapter.

5 (6) Beginning on October 31, 2005, the department shall provide
6 transitional food stamp assistance for a period of five months to a
7 household that ceases to receive temporary assistance for needy
8 families assistance and is not in sanction status. If necessary, the
9 department shall extend the household's food stamp certification until
10 the end of the transition period.

11 **Sec. 7.** RCW 74.20.040 and 2007 c 143 s 5 are each amended to read
12 as follows:

13 (1) Whenever the department receives an application for public
14 assistance on behalf of a child, or the department receives an
15 application for subsidized child care services or working connections
16 child care services, the department or the department of early learning
17 shall take appropriate action under the provisions of this chapter,
18 chapter 74.20A RCW, or other appropriate statutes of this state to
19 establish or enforce support obligations against the parent or other
20 persons owing a duty to pay support moneys.

21 (2) The secretary may accept a request for support enforcement
22 services on behalf of persons who are not recipients of public
23 assistance and may take appropriate action to establish or enforce
24 support obligations against the parent or other persons owing a duty to
25 pay moneys. Requests accepted under this subsection may be conditioned
26 upon the payment of a fee as required by subsection (6) of this section
27 or through regulation issued by the secretary. The secretary may
28 establish by regulation, reasonable standards and qualifications for
29 support enforcement services under this subsection.

30 (3) The secretary may accept requests for support enforcement
31 services from child support enforcement agencies in other states
32 operating child support programs under Title IV-D of the social
33 security act or from foreign countries, and may take appropriate action
34 to establish and enforce support obligations, or to enforce subpoenas,
35 information requests, orders for genetic testing, and collection
36 actions issued by the other agency against the parent or other person
37 owing a duty to pay support moneys, the parent or other person's

1 employer, or any other person or entity properly subject to child
2 support collection or information-gathering processes. The request
3 shall contain and be accompanied by such information and documentation
4 as the secretary may by rule require, and be signed by an authorized
5 representative of the agency. The secretary may adopt rules setting
6 forth the duration and nature of services provided under this
7 subsection.

8 (4) The department may take action to establish, enforce, and
9 collect a support obligation, including performing related services,
10 under this chapter and chapter 74.20A RCW, or through the attorney
11 general or prosecuting attorney for action under chapter 26.09, 26.18,
12 26.20, 26.21A, or 26.26 RCW or other appropriate statutes or the common
13 law of this state.

14 (5) Whenever a support order is filed with the Washington state
15 support registry under chapter 26.23 RCW, the department may take
16 appropriate action under the provisions of this chapter, chapter 26.23
17 or 74.20A RCW, or other appropriate law of this state to establish or
18 enforce the support obligations contained in that order against the
19 responsible parent or other persons owing a duty to pay support moneys.

20 (6) The secretary, in the case of an individual who has never
21 received assistance under a state program funded under part A and for
22 whom the state has collected at least five hundred dollars of support,
23 shall impose an annual fee of twenty-five dollars for each case in
24 which services are furnished, which shall be retained by the state from
25 support collected on behalf of the individual, but not from the first
26 five hundred dollars of support. The secretary may, on showing of
27 necessity, waive or defer any such fee or cost.

28 (7) Fees, due and owing, may be retained from support payments
29 directly or collected as delinquent support moneys utilizing any of the
30 remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21A RCW,
31 or any other remedy at law or equity available to the department or any
32 agencies with whom it has a cooperative or contractual arrangement to
33 establish, enforce, or collect support moneys or support obligations.

34 (8) The secretary may waive the fee, or any portion thereof, as a
35 part of a compromise of disputed claims or may grant partial or total
36 charge off of said fee if the secretary finds there are no available,
37 practical, or lawful means by which said fee may be collected or to

1 facilitate payment of the amount of delinquent support moneys or fees
2 owed.

3 (9) The secretary shall adopt rules conforming to federal laws,
4 including but not limited to complying with section 7310 of the federal
5 deficit reduction act of 2005, 42 U.S.C. Sec. 654, and rules and
6 regulations required to be observed in maintaining the state child
7 support enforcement program required under Title IV-D of the federal
8 social security act. The adoption of these rules shall be calculated
9 to promote the cost-effective use of the agency's resources and not
10 otherwise cause the agency to divert its resources from its essential
11 functions.

12 **Sec. 8.** RCW 74.20.330 and 2007 c 143 s 6 are each amended to read
13 as follows:

14 (1) Whenever public assistance is paid under a state program funded
15 under Title IV-A of the federal social security act as amended by the
16 personal responsibility and work opportunity reconciliation act of
17 1996, and the federal deficit reduction act of 2005, each applicant or
18 recipient is deemed to have made assignment to the department of any
19 rights to a support obligation from any other person the applicant or
20 recipient may have in his or her own behalf or in behalf of any other
21 family member for whom the applicant or recipient is applying for or
22 receiving public assistance, including any unpaid support obligation or
23 support debt which has accrued at the time the assignment is made.

24 (2) Payment of public assistance under a state-funded program, or
25 a program funded under Title IV-A, IV-E, or XIX of the federal social
26 security act as amended by the personal responsibility and work
27 opportunity reconciliation act of 1996 shall:

28 (a) Operate as an assignment by operation of law; and

29 (b) Constitute an authorization to the department to provide the
30 assistance recipient with support enforcement services.

31 (3) Payment for subsidized child care services or working
32 connections child care services shall constitute an authorization to
33 the department to provide the recipient of the subsidy with support
34 enforcement services. The department is authorized to collect, but not
35 retain, child support payments under this subsection.

36 (4) Effective October 1, 2008, whenever public assistance is paid
37 under a state program funded under Title IV-A of the federal social

