
SUBSTITUTE SENATE BILL 5898

State of Washington 65th Legislature 2017 Regular Session

By Senate Ways & Means (originally sponsored by Senator Braun)

READ FIRST TIME 03/23/17.

1 AN ACT Relating to eligibility for public assistance programs;
2 amending RCW 43.215.135, 74.08A.260, and 74.62.030; and adding a new
3 section to chapter 74.08A RCW.

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

5 **Sec. 1.** RCW 43.215.135 and 2015 3rd sp.s. c 7 s 6 are each
6 amended to read as follows:

7 (1) The department shall establish and implement policies in the
8 working connections child care program to promote stability and
9 quality of care for children from low-income households. These
10 policies shall focus on supporting school readiness for young
11 learners. Policies for the expenditure of funds constituting the
12 working connections child care program must be consistent with the
13 outcome measures defined in RCW 74.08A.410 and the standards
14 established in this section intended to promote stability, quality,
15 and continuity of early care and education programming.

16 (2) As recommended by Public Law 113-186, authorizations for the
17 working connections child care subsidy shall be effective for twelve
18 months beginning July 1, 2016, (~~unless an earlier date is provided~~
19 ~~in the omnibus appropriations act~~) except that for a change in the
20 ongoing status of the child's parent as working or attending a job

1 training or education program that is not temporary, assistance shall
2 be discontinued after a minimum of three months.

3 (3) As a condition of receiving a child care subsidy or a working
4 connections child care subsidy, the applicant or recipient must seek
5 child support enforcement services from the department of social and
6 health services, division of child support, unless the department
7 finds that the applicant or recipient has good cause not to
8 cooperate. For the purposes of this subsection, "good cause" shall
9 include consideration of the safety of domestic violence victims.

10 (4) Existing child care providers serving nonschool-age children
11 and receiving state subsidy payments must complete the following
12 requirements to be eligible for a state subsidy under this section:

13 (a) Enroll in the early achievers program by August 1, 2016;

14 (b) Complete level 2 activities in the early achievers program by
15 August 1, 2017; and

16 (c) Rate at a level 3 or higher in the early achievers program by
17 December 31, 2019. If a child care provider rates below a level 3 by
18 December 31, 2019, the provider must complete remedial activities
19 with the department, and rate at a level 3 or higher no later than
20 June 30, 2020.

21 ~~((4))~~ (5) Effective July 1, 2016, a new child care provider
22 serving nonschool-age children and receiving state subsidy payments
23 must complete the following activities to be eligible to receive a
24 state subsidy under this section:

25 (a) Enroll in the early achievers program within thirty days of
26 receiving the initial state subsidy payment;

27 (b) Complete level 2 activities in the early achievers program
28 within twelve months of enrollment; and

29 (c) Rate at a level 3 or higher in the early achievers program
30 within thirty months of enrollment. If a child care provider rates
31 below a level 3 within thirty months from enrollment into the early
32 achievers program, the provider must complete remedial activities
33 with the department, and rate at a level 3 or higher within six
34 months of beginning remedial activities.

35 ~~((5))~~ (6) If a child care provider does not rate at a level 3
36 or higher following the remedial period, the provider is no longer
37 eligible to receive state subsidy under this section.

38 ~~((6))~~ (7) If a child care provider serving nonschool-age
39 children and receiving state subsidy payments has successfully
40 completed all level 2 activities and is waiting to be rated by the

1 deadline provided in this section, the provider may continue to
2 receive a state subsidy pending the successful completion of the
3 level 3 rating activity.

4 ~~((7))~~ (8) The department shall implement tiered reimbursement
5 for early achievers program participants in the working connections
6 child care program rating at level 3, 4, or 5.

7 ~~((8))~~ (9) The department shall account for a child care
8 copayment collected by the provider from the family for each
9 contracted slot and establish the copayment fee by rule.

10 **Sec. 2.** RCW 74.08A.260 and 2011 1st sp.s. c 42 s 2 are each
11 amended to read as follows:

12 (1) Each recipient shall be assessed after determination of
13 program eligibility and before referral to job search. Assessments
14 shall be based upon factors that are critical to obtaining
15 employment, including but not limited to education, availability of
16 child care, history of family violence, history of substance abuse,
17 and other factors that affect the ability to obtain employment.
18 Assessments may be performed by the department or by a contracted
19 entity. The assessment shall be based on a uniform, consistent,
20 transferable format that will be accepted by all agencies and
21 organizations serving the recipient.

22 (2) Based on the assessment, an individual responsibility plan
23 shall be prepared that: (a) Sets forth an employment goal and a plan
24 for maximizing the recipient's success at meeting the employment
25 goal; (b) considers WorkFirst educational and training programs from
26 which the recipient could benefit; (c) contains the obligation of the
27 recipient to participate in the program by complying with the plan;
28 (d) moves the recipient into full-time WorkFirst activities as
29 quickly as possible; and (e) describes the services available to the
30 recipient either during or after WorkFirst to enable the recipient to
31 obtain and keep employment and to advance in the workplace and
32 increase the recipient's wage earning potential over time.

33 (3) Recipients who are not engaged in work and work activities,
34 and do not qualify for a good cause exemption under RCW 74.08A.270,
35 shall engage in self-directed service as provided in RCW 74.08A.330.

36 (4) If a recipient refuses to engage in work and work activities
37 required by the department, the family's grant shall be reduced by
38 the recipient's share, and may, if the department determines it
39 appropriate, be terminated.

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

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

8 (7) Assessments conducted under this section shall include a
9 consideration of the potential benefit to the recipient of engaging
10 in financial literacy activities. The department shall consider the
11 options for financial literacy activities available in the community,
12 including information and resources available through the financial
13 education public-private partnership created under RCW 28A.300.450.
14 The department may authorize up to ten hours of financial literacy
15 activities as a core activity or an optional activity under
16 WorkFirst.

17 (8)(a) (~~From July 1, 2011, through June 30, 2012,~~) Subsections
18 (2) through (6) of this section are suspended for a recipient who is
19 a parent or other relative personally providing care for ~~((one))~~ a
20 child under the age of two years ~~((, or two or more children under the~~
21 ~~age of six years))~~. This suspension applies to both one and two
22 parent families. However, both parents in a two-parent family cannot
23 use the suspension during the same month. ~~((Beginning July 1, 2012,~~
24 ~~the department shall phase in the work activity requirements that~~
25 ~~were suspended, beginning with those recipients closest to reaching~~
26 ~~the sixty month limit of receiving temporary assistance for needy~~
27 ~~families under RCW 74.08A.010(1). The phase in shall be accomplished~~
28 ~~so that a fairly equal number of recipients required to participate~~
29 ~~in work activities are returned to those activities each month until~~
30 ~~the total number required to participate is participating by June 30,~~
31 ~~2013.))~~ Nothing in this subsection shall prevent a recipient from
32 participating in the WorkFirst program on a voluntary basis.
33 ~~((Recipients who participate in the WorkFirst program on a voluntary~~
34 ~~basis shall be provided an option to participate in the program on a~~
35 ~~part-time basis, consisting of sixteen or fewer hours of activities~~
36 ~~per week. Recipients also may participate voluntarily on a full-time~~
37 ~~basis.))~~

38 (b)(i) The period of suspension of work activities under this
39 subsection provides an opportunity for the legislative and executive
40 branches to oversee redesign of the WorkFirst program. To realize

1 this opportunity, both during the period of suspension and following
2 reinstatement of work activity requirements as redesign is being
3 implemented, a legislative-executive WorkFirst oversight task force
4 is established, with members as provided in this subsection (8)(b).

5 (ii) The president of the senate shall appoint two members from
6 each of the two largest caucuses of the senate.

7 (iii) The speaker of the house of representatives shall appoint
8 two members from each of the two largest caucuses of the house of
9 representatives.

10 (iv) The governor shall appoint members representing the
11 department of social and health services, the department of early
12 learning, the department of commerce, the employment security
13 department, the office of financial management, and the state board
14 for community and technical colleges.

15 (v) The task force shall choose cochairs, one from among the
16 legislative members and one from among the executive branch members.
17 The legislative members shall convene the initial meeting of the task
18 force.

19 (c) The task force shall:

20 (i) Oversee the partner agencies' implementation of the redesign
21 of the WorkFirst program and operation of the temporary assistance
22 for needy families program to ensure that the programs are achieving
23 desired outcomes for their clients;

24 (ii) Determine evidence-based outcome measures for the WorkFirst
25 program, including measures related to equitably serving the needs of
26 historically underrepresented populations, such as English language
27 learners, immigrants, refugees, and other diverse communities;

28 (iii) Develop accountability measures for WorkFirst recipients
29 and the state agencies responsible for their progress toward self-
30 sufficiency;

31 (iv) Make recommendations to the governor and the legislature
32 regarding:

33 (A) Policies to improve the effectiveness of the WorkFirst
34 program over time;

35 (B) Early identification of those recipients most likely to
36 experience long stays on the program and strategies to improve their
37 ability to achieve progress toward self-sufficiency; and

38 (C) Necessary changes to the program, including taking into
39 account federal changes to the temporary assistance for needy
40 families program.

1 (d) The partner agencies must provide the task force with regular
2 reports on:

3 (i) The partner agencies' progress toward meeting the outcome and
4 performance measures established under (c) of this subsection;

5 (ii) Caseload trends and program expenditures, and the impact of
6 those trends and expenditures on client services, including services
7 to historically underrepresented populations; and

8 (iii) The characteristics of families who have been unsuccessful
9 on the program and have lost their benefits either through sanction
10 or the sixty-month time limit.

11 (e) Staff support for the task force must be provided by senate
12 committee services, the house of representatives office of program
13 research, and the state agency members of the task force.

14 (f) The task force shall meet on a quarterly basis beginning
15 September 2011, or as determined necessary by the task force
16 cochairs.

17 (g) During its tenure, the state agency members of the task force
18 shall respond in a timely manner to data requests from the cochairs.

19 **Sec. 3.** RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each
20 amended to read as follows:

21 (1)(a) Effective November 1, 2011, the aged, blind, or disabled
22 assistance program shall provide financial grants to persons in need
23 who:

24 (i) Are not eligible to receive federal aid assistance, other
25 than basic food benefits transferred electronically and medical
26 assistance;

27 (ii) Meet the eligibility requirements of subsection (3) of this
28 section; and

29 (iii) Are aged, blind, or disabled. For purposes of determining
30 eligibility for assistance for the aged, blind, or disabled
31 assistance program, the following definitions apply:

32 (A) "Aged" means age sixty-five or older.

33 (B) "Blind" means statutorily blind as defined for the purpose of
34 determining eligibility for the federal supplemental security income
35 program.

36 (C) "Disabled" means likely to meet the federal supplemental
37 security income disability standard. In making this determination,
38 the department should give full consideration to the cumulative

1 impact of an applicant's multiple impairments, an applicant's age,
2 and vocational and educational history.

3 In determining whether a person is disabled, the department may
4 rely on, but is not limited to, the following:

5 (I) A previous disability determination by the social security
6 administration or the disability determination service entity within
7 the department; or

8 (II) A determination that an individual is eligible to receive
9 optional categorically needy medicaid as a disabled person under the
10 federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

11 (b) The following persons are not eligible for the aged, blind,
12 or disabled assistance program:

13 (i) Persons who are not able to engage in gainful employment due
14 primarily to alcohol or drug addiction. These persons shall be
15 referred to appropriate assessment, treatment, shelter, or
16 supplemental security income referral services as authorized under
17 chapter 74.50 RCW. Referrals shall be made at the time of application
18 or at the time of eligibility review. This subsection may not be
19 construed to prohibit the department from granting aged, blind, or
20 disabled assistance benefits to alcoholics and drug addicts who are
21 incapacitated due to other physical or mental conditions that meet
22 the eligibility criteria for the aged, blind, or disabled assistance
23 program; or

24 (ii) Persons for whom there has been a final determination of
25 ineligibility for federal supplemental security income benefits.

26 (c) Persons may receive aged, blind, or disabled assistance
27 benefits pending application for federal supplemental security income
28 benefits for up to thirty-six months. The monetary value of any aged,
29 blind, or disabled assistance benefit that is subsequently duplicated
30 by the person's receipt of supplemental security income for the same
31 period shall be considered a debt due the state and shall by
32 operation of law be subject to recovery through all available legal
33 remedies.

34 (2) Effective November 1, 2011, the pregnant women assistance
35 program shall provide financial grants to persons who:

36 (a) Are not eligible to receive federal aid assistance other than
37 basic food benefits or medical assistance; and

38 (b) Are pregnant and in need, based upon the current income and
39 resource standards of the federal temporary assistance for needy
40 families program, but are ineligible for federal temporary assistance

1 for needy families benefits for a reason other than failure to
2 cooperate in program requirements; and

3 (c) Meet the eligibility requirements of subsection (3) of this
4 section.

5 (3) To be eligible for the aged, blind, or disabled assistance
6 program under subsection (1) of this section or the pregnant women
7 assistance program under subsection (2) of this section, a person
8 must:

9 (a) Be a citizen or alien lawfully admitted for permanent
10 residence or otherwise residing in the United States under color of
11 law;

12 (b) Meet the income and resource standards described in RCW
13 74.04.805(1) (d) and (e);

14 (c) Have furnished the department his or her social security
15 number. If the social security number cannot be furnished because it
16 has not been issued or is not known, an application for a number
17 shall be made prior to authorization of benefits, and the social
18 security number shall be provided to the department upon receipt;

19 (d) Not have refused or failed without good cause to participate
20 in drug or alcohol treatment if an assessment by a certified chemical
21 dependency counselor indicates a need for such treatment. Good cause
22 must be found to exist when a person's physical or mental condition,
23 as determined by the department, prevents the person from
24 participating in drug or alcohol dependency treatment, when needed
25 outpatient drug or alcohol treatment is not available to the person
26 in the county of his or her residence or when needed inpatient
27 treatment is not available in a location that is reasonably
28 accessible for the person; and

29 (e) Not have refused or failed to cooperate in obtaining federal
30 aid assistance, without good cause.

31 (4) Effective November 1, 2011, referrals for essential needs and
32 housing support under RCW 43.185C.220 shall be provided to persons
33 found eligible under RCW 74.04.805.

34 (5) No person may be considered an eligible individual for
35 benefits under this section with respect to any month if during that
36 month the person:

37 (a) Is fleeing to avoid prosecution of, or to avoid custody or
38 confinement for conviction of, a felony, or an attempt to commit a
39 felony, under the laws of the state of Washington or the place from
40 which the person flees; or

1 (b) Is violating a condition of probation, community supervision,
2 or parole imposed under federal or state law for a felony or gross
3 misdemeanor conviction.

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

6 All individuals shall demonstrate to the department that a job
7 search has been conducted prior to applying for assistance in the
8 Washington temporary assistance for needy families program. The
9 department shall adopt rules for the implementation of this section.

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