



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Economic Services Administration

- Preproposal Statement of Inquiry was filed as WSR **09-02-058** ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

The department is proposing to amend WAC 388-454-0015 to clarify the policy regarding situations that do not meet the criteria of a temporary absence as described in (4) of the WAC.

Hearing location(s):

Blake Office Park East – Rose Room
4500 – 10th Ave. SE
Lacey, Washington 98503
(One block north of the intersection of Pacific Ave. SE and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling 360-664-6094)

Date: **October 6, 2009** Time: **10:00 a.m.**

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850, Olympia WA, 98504-5850
Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov
Fax: (360) 664-6185

by
5 p.m. on October 6, 2009

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by September 22, 2009
TTY (360) 664-6178 or (360) 664-6094 or
by e-mail at johnsjl4@dshs.wa.gov

Date of intended adoption: Not earlier than October 7, 2009
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The decision to propose amending the WAC is in response to a question about temporary absences and parents who are incarcerated. As a result of the change, eligibility staff will have better guidance about how to handle short term incarcerations and workload will be reduced with staff not having to terminate and re-open cases over short time periods.

Reasons supporting proposal:

Periods of short-term incarceration, such as when a client is generally in compliance with a drug court proceeding but has been sent to jail for a few days for failure to comply with all requirements, are not a sound basis for terminating assistance.

Statutory authority for adoption:

RCW 74.04.005; 74.04.050; 74.04.055; 74.04.057;
74.04.510; and 74.08.090

Statute being implemented:

RCW 74.04.005; 74.04.050; 74.04.055; 74.04.057;
74.04.510; and 74.08.090

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

DATE

August 28, 2009

NAME (type or print)

Stephanie Vaughn

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 01, 2009

TIME: 12:13 PM

WSR 09-18-094

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

Department of Social and Health Services

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tom Berry	712 Pear St. SE Olympia, WA 98503	(360) 725-4617
Implementation.... Tom Berry	712 Pear St. SE Olympia, WA 98503	(360) 725-4617
Enforcement..... Tom Berry	712 Pear St. SE Olympia, WA 98503	(360) 725-4617

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No. Explain why no statement was prepared.

The proposed changes do not have an economic impact on small businesses. The proposed amendments only clarify eligibility regarding temporary absences from the home.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

No: Please explain:

This amendment is exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

AMENDATORY SECTION (Amending WSR 08-14-105, filed 6/30/08, effective 8/1/08)

WAC 388-454-0015 Temporary absence from the home. The temporary absence policy described in this WAC applies to the temporary assistance for needy families (TANF) and state family assistance (SFA) programs. In some situations, a child receiving TANF/SFA can continue to be eligible for TANF/SFA cash assistance when there is a temporary separation of the child and the child's caregiver. There must be a clear expectation the absence is temporary and the child is expected to be reunited with the family. Temporary absences can't exceed one hundred eighty days except as described in (1)(a).

(1) For recipients, temporary absences include, but are not limited to:

(a) A caregiver receiving care in a hospital, substance abuse treatment facility, or other medical institution. If the temporary care exceeds one hundred eighty days, the assistance payment for the person is reduced to the CPI amount specified under chapter 388-478 WAC.

(b) Out-of-home visits less than one hundred eighty days, when the caregiver is still responsible for the support and care of the child.

(c) A caregiver or child attending school or training as described in WAC 388-454-0020.

(d) Placement of a child in foster care or in the care of a relative or other adult, including when the child's primary caregiver is in a residential treatment facility. The division of children and family services (DCFS) must place the child and determine the child is expected to return to the primary caregiver within one hundred eighty days of the placement.

(2) For applicants, temporary absences include:

(a) When the child is placed in unlicensed foster care or in the care of a relative or other adult and DCFS expects the child will return to the home within one hundred eighty days of removal. Benefits can also be approved for an applicant if DCFS determines that the child will be in the care of the applying adult within thirty days of authorizing assistance even if the child has been out of the home for over one hundred eighty days.

(b) When the child is out of the home because of illness or hospitalization and the absence isn't expected to exceed one hundred eighty days.

(3) For situations described in (1)(d) and (2)(a) of this WAC, concurrent TANF or SFA cash assistance can be made for the child, only when DCFS places the child in the temporary care of an unlicensed-relative, other caregiver, or in foster care. DCFS must expect the child return to the home of the primary caregiver in one hundred eighty days.

(a) When the child goes into licensed foster care, the TANF/SFA grant to the parent continues.

(b) When the child goes into unlicensed care, whether with a

relative or other caregiver, the TANF grant to the parent continues and the caregiver can also get a TANF grant.

(4) Situations that do not meet the criteria of a temporary absence include, but aren't limited to:

(a) The caregiver or child is expected to be incarcerated ~~((for any length of time))~~ thirty days or more.

(b) The child ran away and there is no clear expectation of when the child will be returning home.

(c) A caregiver or child is away attending school and doesn't meet the criteria outlined in WAC 388-454-0020.

(5) A caregiver must report within five days of learning that a child's absence is going to be greater than one hundred eighty days as required under WAC 388-418-0005 and 388-418-0007.