



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 09-16-103; 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 amending WAC 388-422-0005, What happens to my child, spousal and medical support when I get public assistance?

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: **November 24, 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 November 24, 2009

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by November 10, 2009

Date of intended adoption: Not earlier than November 25, 2009 (Note: This is **NOT** the **effective** date)

TTY (360) 664-6178 or (360) 664-6094 or
by e-mail at johnsjl4@dshs.wa.gov

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

The Community Services Division, Economic Services Administration is proposing to revise WAC 388-422-0005, What happens to my child, spousal and medical support when I get public assistance?, to clarify the effective date of assignment of child support rights, and related matters.

Reasons supporting proposal:

The current WAC language can lead to confusion. We will propose some simple changes to clarify the intent of the policy and support the assignment policy under RCW 74.20.330.

Statutory authority for adoption:

RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and 74.20.330

Statute being implemented:

RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and 74.20.330

Is rule necessary because of a:

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

If yes, CITATION:

DATE

October 14, 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: October 16, 2009

TIME: 10:59 AM

WSR 09-21-069

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 SE, Olympia, WA 98504-5470	(360) 725-4617
Implementation.... Tom Berry	712 Pear SE, Olympia, WA 98504-5470	(360) 725-4617
Enforcement..... Tom Berry	712 Pear SE, Olympia, WA 98504-5470	(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 the effective date of assignment of child support rights and related matters.

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, "this 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 02-19-041, filed 9/11/02, effective 10/12/02)

WAC 388-422-0005 What happens to my child, spousal and medical support when I get public assistance? (1) The following definitions apply to this chapter:

(a) **"We"** means the department of social and health services.

(b) **"You"** means a person applying for or getting benefits from us.

(c) **"Benefits"** mean family medical and related alien emergency medical (AEM), TANF or SFA cash assistance.

(d) **"Support"** means the money paid to meet a support order whether it is called child support, spousal support, alimony, maintenance, or medical support.

(e) **"Medical support"** means either or both:

(i) The set dollar amount for health care costs in a support order; or

(ii) Health insurance coverage for a dependent child.

(f) **"Assistance unit"** or **"AU"** means the group of people who live together and whose income and resources we count to decide your eligibility for benefits and the amount of those benefits.

(2) When you apply for TANF or SFA cash benefits, you (~~assign your rights to current support and back support (also called "arrears") under WAC 388-14A-2036. You~~) permanently assign to the state your current support for the months you get assistance. (~~Support for months before you begin receiving assistance~~) If you applied for TANF or SFA cash benefits before October 1, 2008, support for months before you begin receiving assistance (also called "arrears" under WAC 388-14A-2036) is temporarily assigned to the state. For more information about permanently and temporarily assigned support see:

(a) Permanently assigned arrears, WAC 388-14A-2037.

(b) Temporarily assigned arrears, WAC 388-14A-2038.

(3) You assign your rights to medical support under WAC 388-505-0540 when you apply for or get benefits from the following:

(a) Family medical; or

(b) Children's medical.

(4) You assign your rights to support when (~~you sign the~~) your application for benefits (, or when you get cash or medical benefits) is approved by the department.

(5) If you have a good reason (WAC 388-422-0020) DCS may not be able to establish or collect child support (WAC 388-14A-2060).

(6) If you receive any support payments before you assign your rights to support, we count this as unearned income to your AU (WAC 388-450-0025).

(7) If you receive any direct support payments (~~after you assign your rights to support~~) during the month you apply, you (must send the support payments to the division of child support (DCS) under WAC 388-14A-2040(3)) must report these payments and we may count them as unearned income in determining your eligibility for benefits.

(8) If you keep any support payments you receive after you assign your rights to support, DCS may collect this money from you (WAC 388-14A-5505).