



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 09-16-102 ; 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 388-408-0020, When am I not allowed to be in a TANF or SFA assistance unit?

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: **December 22, 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 December 22, 2009

Assistance for persons with disabilities: Contact Jennisha Johnson, DSHS Rules Consultant by December 8, 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 December 23, 2009 (Note: This is **NOT** the **effective** date)

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 388-408-0020, When am I not allowed to be in a TANF or SFA assistance unit?, clarifying that adoptive children are always to be included in such units, regardless of adoption support received.

Reasons supporting proposal:

The proposed amendment will correct language in this WAC which may be seen as contradicting other assistance unit rules.

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

November 4, 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: November 16, 2009

TIME: 10:20 AM

WSR 09-23-077

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

N/A

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 policy regarding inclusion of adoptive children in TANF or SFA assistance units.

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 01-03-121, filed 1/22/01, effective 3/1/01)

WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit? Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

(1) We do not include the following people in your TANF or SFA AU:

(a) ~~((An adopted child if:~~

~~(i) The child gets federal, state, or local adoption assistance; and~~

~~(ii) Including the child in the AU and counting the adoption assistance income would reduce your AU's benefits.~~

~~(b))~~ A minor parent or child who has been placed in Title IV-E, state, or locally-funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

~~((c))~~ (b) An adult parent in a two-parent household when:

(i) The other parent is unmarried and under the age of eighteen; and

(ii) We decide that your living arrangement is not appropriate under WAC 388-486-0005.

~~((d))~~ (c) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or

~~((e))~~ (d) Someone who gets SSI benefits.

(2) If someone that lives with you cannot be in the AU:

(a) We do not count them as a member of the AU when we determine the AU's payment standard; and

(b) We do not count their income unless they are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130.