



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

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

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) **November 15, 2009** (if less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes     No

If Yes, explain: The agency finds that this action is required by the federal SNAP

Administrative Notice 09-51 – [RCW 34.05.380 (3)(a)]. The effective date of this rule coincides with the effective date of WAC 388-450-0015 filed as WSR 09-16-095 which becomes effective November 15, 2009.

**Purpose:**

The department is amending WAC 388-450-0185 "What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?" This rule is necessary to exercise an option from the 2002 Farm Bill to treat child support payments made to someone outside of the home as an income exclusion prior to administering the gross income test.

This change will enhance the Division of Child Support's mission to collect child support and will enhance Community Services Division's mission to assist low income families to access the Basic Food program.

**Citation of existing rules affected by this order:**

Repealed: None

Amended: WAC 388-450-0185

Suspended: None

**Statutory authority for adoption:** RCW 74.04.005; 74.04.050; 74.04.055; 74.04.057; 74.04.500; 74.04.510; 74.08.090

**Other authority:** P.L.107- 171§4101

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 09-19-148 on September 23, 2009.

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: NA

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_

Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**Date adopted:**

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 05, 2009

TIME: 7:44 AM

**WSR 09-23-004**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	<u>1</u>	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>1</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 09-07-054, filed 3/11/09, effective 4/11/09)

**WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?** We determine if your assistance unit (AU) is eligible for Basic Food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

These federal laws allow us to subtract **only** the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$ <del>((144))</del> <u>141</u>
2	\$ <del>((144))</del> <u>141</u>
3	\$ <del>((144))</del> <u>141</u>
4	\$ <del>((147))</del> <u>153</u>
5	\$ <del>((172))</del> <u>179</u>
6 or more	\$ <del>((197))</del> <u>205</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense needed for an AU member to:

(a) Keep work, look for work, or accept work;

(b) Attend training or education to prepare for employment; or

(c) Meet employment and training requirements under chapter 388-444 WAC.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

~~(5) ((Legally obligated current or back child support paid to someone outside of your AU:~~

~~(a) For a person who is not in your AU; or~~

~~(b) For a person who is in your AU to cover a period of time when they were not living with you.~~

~~(6))~~ A portion of your shelter costs as described in WAC 388-450-0190.