



# PROPOSED RULE MAKING

## CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 16, 2025

TIME: 1:27 PM

WSR 25-15-098

**Agency:** Department of Social and Health Services, Community Services Division

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR** 25-02-023 ; or

☐ **Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) The department is proposing to amend WAC 388-450-0070, "When do we count a child's income?"

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
August 26, 2025	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at <a href="https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings">https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings</a> for the most current information.

**Date of intended adoption:** Not earlier than August 27, 2025 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name DSHS Rules Coordinator

Address PO Box 45850, Olympia WA 98504

Email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)

Fax n/a

Other

Beginning (date and time) July 23, 2025, by noon

By (date and time) August 26, 2025, by 5:00 pm

**Assistance for persons with disabilities:**

Contact Shelley Tencza, Rules Consultant

Phone 360-664-6036

Fax n/a

TTY 711 Relay Service

Email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov)

Other

By (date) August 12, 2025, by 5:00 pm

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** These amendments clarify rules for irrevocable educational trusts as authorized by RCW 74.12.350.

**Reasons supporting proposal:** See above

**Statutory authority for adoption:** RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.12.350

**Statute being implemented:** RCW 74.12.350

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**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

**Type of proponent:** ☐ Private. ☐ Public. ☒ Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Patrick Budde	PO Box 45470, Olympia, WA 98504-5470	360-764-0068

Implementation	Patrick Budde	PO Box 45470, Olympia, WA 98504-5470	360-764-0068
Enforcement	Patrick Budde	PO Box 45470, Olympia, WA 98504-5470	360-764-0068

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?** ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**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  
TTY  
Email  
Other

☒ No: Please explain: These rules are exempt under RCW 34.05.328(5)(b)(vii), which states in part “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”.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b) (Internal government operations)	<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e) (Dictated by statute)
<input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c) (Incorporation by reference)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f) (Set or adjust fees)
<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d) (Correct or clarify language)	<input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☒ This rule proposal, or portions of the proposal, is exempt under RCW 34.05.328(5)(b)(vii).

Explanation of how the above exemption(s) applies to the proposed rule: These amendments do not impact small businesses. They only impact DSHS customers. Adopting in accordance with RCW 74.12.350.

**(2) Scope of exemptions: Check one.**

- ☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

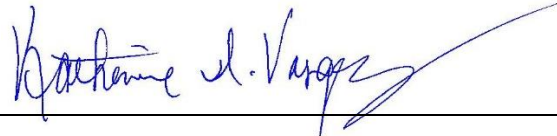
Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Date:** July 14, 2025

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-450-0070 When do we count a child's income?** (1) For food assistance, we do not count a child's earned income if the child is:

- (a) In school;
- (b) Age (~~(seventeen)~~) 17 or younger;
- (c) Not married; and

(d) Living with a natural parent, adoptive parent, or stepparent or is under the parental control of a household member other than a parent.

(2) For cash assistance, we do not count a child's earnings if the child (~~(is)~~):

- (a) (~~(In)~~) Is in school(~~(; and~~
- ~~(b) Meets~~) and meets the age and attendance requirements in WAC 388-404-0005; or

(b) Has their income placed in a irrevocable trust for future educational needs for that child, up to \$4,000.

(3) School includes:

(a) Participating in a home-school program that is approved by the superintendent of public instruction; or

(b) On break between school terms when the child:

- (i) Was enrolled during the previous school term; and
- (ii) Plans to return to school when it reopens.