



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: September 22, 2022

TIME: 3:34 PM

WSR 22-20-017

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

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (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:

Purpose: The department is amending WAC 388-310-0300, WorkFirst-Infant care exemptions for mandatory participants, and 388-310-1450, Pregnancy to employment; to improve access to home visiting and parental support for WorkFirst participants and their young children.

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-310-0300 and 388-310-1450
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.270.

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-16-118 on August 3, 2022 (date).

Describe any changes other than editing from proposed to adopted version: N/A

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

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**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:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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New	___	Amended	___	Repealed	___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	<u>2</u>	Repealed	___
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The number of sections adopted using:

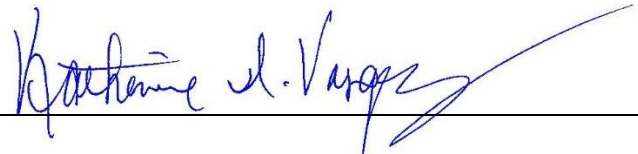
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>2</u>	Repealed	___

Date Adopted: September 22, 2022

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 18-03-059, filed 1/10/18, effective 2/10/18)

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) **When may I be exempted from participating in WorkFirst activities if I am a mandatory participant?**

Either you or the other parent, living in the household, may claim an infant exemption from participating in WorkFirst activities provided you:

- (a) Have a child under two years of age;
- (b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and
- (c) Have not used up your lifetime (~~(twenty-four)~~) 24 month infant exemption.

(2) **If I choose my infant exemption, may I still be required to participate in the WorkFirst program?**

You are required to participate up to (~~(twenty)~~) 20 hours per week in (~~(parenting education, parenting skills training,)~~) mental health treatment, chemical dependency treatment, or (~~(any)~~) a combination of these, if:

- (a) The comprehensive evaluation or assessment indicates a need; and
- (b) Services are available in your community.

(3) **May I volunteer to participate in WorkFirst while I have a child under two years of age?**

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under two years of age. If you decide later to stop participating and you still qualify for an exemption, you will return to exempt status with no financial penalty provided you meet the conditions of subsections (1) and (2) of this section.

(4) **Does an infant exemption from participation affect my (~~(sixty-ty-)~~) 60 month time limit for receiving temporary assistance for needy families (TANF) or state family assistance (SFA) benefits?**

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your (~~(sixty-ty-)~~) 60 month limit (see WAC 388-484-0005).

AMENDATORY SECTION (Amending WSR 18-03-059, filed 1/10/18, effective 2/10/18)

WAC 388-310-1450 Pregnancy to employment. (1) **How do I know if I am eligible to participate in pregnancy to employment?**

If you are on temporary assistance for needy families (TANF) or state family assistance (SFA) and are pregnant or have a child under the age of two years, you are a participant in the pregnancy to employment pathway.

(2) **What services are provided to the pregnancy to employment pathway?**

(a) The pregnancy to employment pathway provides you with services, when available in your community, to (~~(help you learn how to work,)~~) look (~~(for work, or)~~) and prepare for work while (~~(still meet-~~

ing)) supporting your child's needs. You and your WorkFirst worker will decide which variety of services you need(~~(, such as:)~~). Service may include one or more of the items listed in (i) through (vi) of this section:

(i) ~~((Parenting education or parenting skills training))~~ Home visiting or other parent supports;

(ii) Safe and appropriate child care;

(iii) Mental health treatment;

(iv) Chemical dependency treatment;

(v) Domestic violence services; or

(vi) Employment services.

(b) The WorkFirst worker will contact you every three months to offer you services if you are not required to participate and choose to claim the infant exemption.

(c) You will be offered a voluntary referral to either home visiting or other parent supports at various times in the pregnancy to employment pathway.

(3) What am I required to do while I am in the pregnancy to employment pathway?

You must participate in an assessment with a DSHS social service specialist and based on the results you will:

(a) Work with your WorkFirst worker to decide which required activities best meet your needs (these activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP)); and

(b) Be required to participate in ~~((the activities))~~ those activities, as identified in your IRP.

(4) What am I required to do while I am pregnant?

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours as described under WAC 388-310-1600.

(b) During your third trimester of pregnancy will be up to ~~((twenty))~~ 20 hours per week in either ~~((parenting education, parenting skills training,))~~ mental health treatment~~((,))~~ or chemical dependency treatment~~((, or any combination of these))~~, if:

(i) The comprehensive evaluation or assessment indicates a need; and

(ii) Services are available in your community.

(5) What am I required to do after my child is born?

After the birth of your child, you may choose to take the infant exemption under WAC 388-310-0300 or volunteer to participate in Work-First activities to the fullest of your abilities under WAC 388-310-0400.

(6) What if I have used my ~~((twenty-four))~~ 24 month lifetime infant exemption?

If you have another child after using all ~~((twenty-four))~~ 24 months of the infant exemption, you will be:

(a) Eligible for a ~~((twelve-))~~ 12 week postpartum deferral period to personally take care of an infant less than ~~((twelve))~~ 12 weeks of age but will be required to participate up to ~~((twenty))~~ 20 hours per week in ~~((parenting education, parenting skills training,))~~ mental health ~~((treatment,))~~ or chemical dependency treatment, or ~~((any))~~ a combination of these, if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required to participate full time, unless otherwise exempt or you have good reason to participate fewer hours, once your child turns ~~((twelve))~~ 12 weeks old in one or more of the following activities:

(i) Work;

(ii) Looking for work;

(iii) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(7) **Will I be sanctioned if I refuse to participate?**

(a) You are required to participate in the WorkFirst program under WAC 388-310-0200 subject to sanction under WAC 388-310-1600 unless you have good reason and you:

(i) Are in your third trimester of pregnancy;

(ii) Have not used up your ~~((twenty-four))~~ 24 month lifetime infant exemption and have a child under the age of two years old; or

(iii) Have used up your ~~((twenty-four))~~ 24 month lifetime infant exemption and have a child under ~~((twelve))~~ 12 weeks.

(b) You may be sanctioned if you stop participating in required ~~((parenting education, parenting skills training,))~~ mental health or chemical dependency treatment when you are:

~~((i))~~ (i) In your third trimester of pregnancy ~~((r))~~ ;

~~((e))~~ (ii) Claiming the infant exemption ~~((r))~~ ; or

~~((u))~~ (iii) Using a ~~((twelve-))~~ 12 week postpartum deferral period.