



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: January 30, 2023

TIME: 5:35 PM

WSR 23-04-073

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

**Title of rule and other identifying information:** (describe subject) The department is proposing to amend WAC 388-61-001, How does the Family Violence Amendment affect me if I am getting TANF/SFA?

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** These housekeeping amendments update an incorrect statutory reference for the definition of "family or household member."

**Reasons supporting proposal:** These amendments meet the criteria for expedited adoption as set forth in RCW 34.05.353, specifically, subsection (1)(c): "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

**Statutory authority for adoption:** RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.08A.250

**Statute being implemented:** N/A

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization)

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Sarah Mintzer	PO Box 45470, Olympia WA 98504-5470	360-764-0050
Implementation:	Sarah Mintzer	PO Box 45470, Olympia WA 98504-5470	360-764-0050
Enforcement:	Sarah Mintzer	PO Box 45470, Olympia WA 98504-5470	360-764-0050

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The amendments clarify language of a rule without changing its effect. The department is replacing an outdated RCW reference and incorporating RCW 7.105.010 definitions into WAC 388-61-001.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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Agency: DSHS Rules Coordinator  
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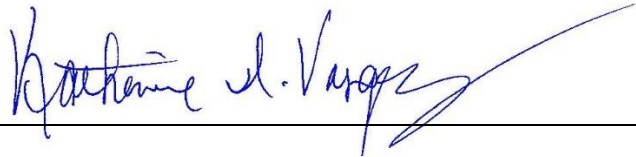
**AND RECEIVED BY** (date) 5:00 p.m. on April 4, 2023

**Date:** January 30, 2023

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-61-001 How does the Family Violence Amendment affect me if I am getting TANF/SFA?** The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, allowed every state to create a program addressing family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF/state funded assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW ((26.50.010(2))) 7.105.010 to any of the following:

- (a) Physical acts that resulted in, or threatened to result in, physical injury;
- (b) Sexual abuse;
- (c) Sexual activity involving a dependent child;
- (d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (e) Threats of or attempts at, physical sexual abuse;
- (f) Mental abuse;
- (g) Neglect or deprivation of medical care; or
- (h) Stalking.

(2) DSHS must:

- (a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF/SFA for a history of family violence;
- (b) Notify in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment;
- (c) Maintain confidentiality as stated in RCW 74.04.060;
- (d) Refer individuals needing counseling to supportive services;
- (e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence, or place victims at further risk of family violence. This may include:

(i) Time limits for TANF/SFA recipients, for as long as necessary (after ((fifty-two)) 52 months of receiving TANF/SFA);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for family violence clients, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.