
SUBSTITUTE SENATE BILL 5660

State of Washington 62nd Legislature 2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, and Stevens)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to public assistance; amending RCW 74.08A.010,
2 74.08A.260, 43.215.135, 74.08.580, 43.88C.010, and 74.04.012; adding
3 new sections to chapter 74.08A RCW; adding a new section to chapter
4 43.215 RCW; adding a new section to chapter 43.09 RCW; repealing RCW
5 74.08A.340; providing an effective date; providing an expiration date;
6 and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.08A RCW
9 to read as follows:

10 (1) The full amount of the temporary assistance for needy families
11 block grant, plus qualifying state expenditures shall be appropriated
12 to the department each year in the omnibus appropriations act subject
13 to the following restrictions:

14 (a) The amount appropriated to the department for cash assistance
15 shall not be exceeded and shall be spent only for cash assistance;

16 (b) The amount appropriated for WorkFirst activities shall not be
17 exceeded and may be transferred within the WorkFirst activities,
18 including to other state agencies that provide some of those
19 activities;

1 (c) No more than fifteen percent of the total amount in subsections
2 (1) and (2) of this section may be spent for administrative purposes.
3 For purposes of this section, "administrative purposes" does not
4 include expenditures for information technology and computerization
5 needed for tracking and monitoring required by P.L. 104-193.

6 (2) The full amount of the child care development fund shall be
7 appropriated to the department of early learning each year in the
8 omnibus appropriations act to carry out the provisions of the working
9 connections child care program, child care quality programs, and child
10 care licensing functions. The department of early learning shall
11 transfer to the department sufficient funds to perform working
12 connections child care eligibility determinations, service
13 authorizations, and child care provider payments.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08A RCW
15 to read as follows:

16 The department and the department of early learning shall operate
17 the programs under section 1 (1) and (2) of this act within
18 appropriated levels. Each department shall monitor expenditures
19 against appropriation levels provided in the omnibus appropriations act
20 and shall quarterly report its findings to the appropriate committees
21 of the legislature.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08A RCW
23 to read as follows:

24 The department shall implement strategies that accomplish the
25 outcome measures identified in RCW 74.08A.410 that are within the
26 funding constraints in section 1 of this act. Specifically the
27 department shall implement strategies that will cause the number of
28 cases in the program authorized in RCW 74.08A.210 through 74.08A.330
29 and 43.330.145 and chapter 74.12 RCW to decrease by at least five
30 percent each biennium starting with the 2011-2013 biennium.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.08A RCW
32 to read as follows:

33 (1) The legislature believes that the foundation of a successful
34 temporary assistance for needy families program is an individualized
35 assessment of the strengths and needs of each family, and the matching

1 of appropriate resources to serve them. The legislature finds that it
2 is critical to identify participants early in the process who have
3 serious barriers to employment, such as chemical dependency or learning
4 disabilities, and connect them with appropriately tailored services.
5 It is important that the services to which recipients are matched meet
6 the goals of assisting needy families so that children can be cared for
7 in their own homes and an individualized plan is developed for the
8 recipients to assist them in attaining the skills and training
9 necessary for them to achieve self-sufficiency. The department,
10 through its redesign of temporary assistance for needy families
11 process, made several recommendations with regard to assessments and
12 predictive tools that are reflected in subsections (2) through (4) of
13 this section.

14 (2) The department shall conduct an initial comprehensive family
15 assessment at program entry. The assessment shall be designed to be
16 used by other agencies which may provide services to the recipient and
17 his or her family. One of the major objectives of the assessment shall
18 be to identify families for whom barrier resolution is appropriate.
19 After the assessment is complete, the department shall engage the
20 family in a subsequent evaluation designed to identify the appropriate
21 work preparation activity and service level for the recipient.

22 (3) The department shall also explore the use of a predictive
23 modeling tool to be used to identify risk factors affecting a
24 recipient's employability. This tool should be designed to assist the
25 department in identifying families who are at high risk of long stays
26 on temporary assistance for needy families and those who are likely to
27 exit relatively quickly from the program. The information produced by
28 this tool should be combined with the information produced by the
29 assessment in subsection (2) of this section to place recipients in the
30 most appropriate services and activities and move them more quickly to
31 self-sufficiency.

32 (4) The department shall continuously monitor the progress of each
33 recipient in completing his or her plan. The department shall also
34 monitor the outcomes produced by the skills training or services a
35 recipient receives to determine whether the skills training and
36 services purchased by the department to serve recipients is achieving
37 the outcomes set by the department.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.08A RCW
2 to read as follows:

3 During the 2011-2013 biennium, the income eligibility limit for the
4 working connections child care program shall be at one hundred seventy-
5 five percent of the federal poverty level.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.08A RCW
7 to read as follows:

8 During the 2011-2013 biennium, the grant standard for temporary
9 assistance for needy families shall remain at the standard set by
10 chapter 1, Laws of 2010 2nd sp. sess., which represents a fifteen
11 percent reduction from the 2009 grant level.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.08A RCW
13 to read as follows:

14 In determining the income eligibility of an applicant or recipient
15 for temporary assistance for needy families or WorkFirst, the
16 department shall not count the federal supplemental security income
17 received by a household member.

18 **Sec. 8.** RCW 74.08A.010 and 2004 c 54 s 4 are each amended to read
19 as follows:

20 (1) A family that includes an adult who has received temporary
21 assistance for needy families for sixty months after July 27, 1997,
22 shall be ineligible for further temporary assistance for needy families
23 assistance.

24 (2) For the purposes of applying the rules of this section, the
25 department shall count any month in which an adult family member
26 received a temporary assistance for needy families cash assistance
27 grant unless the assistance was provided when the family member was a
28 minor child and not the head of the household or married to the head of
29 the household.

30 (3) The department shall refer recipients who require specialized
31 assistance to appropriate department programs, crime victims' programs
32 through the department of community, trade, and economic development,
33 or the crime victims' compensation program of the department of labor
34 and industries.

1 (4) The department may exempt a recipient and the recipient's
2 family from the application of subsection (1) of this section by reason
3 of hardship or if the recipient meets the family violence options of
4 section 402(A)(7) of Title IVA of the federal social security act as
5 amended by P.L. 104-193. (~~The number of recipients and their families
6 exempted from subsection (1) of this section for a fiscal year shall
7 not exceed twenty percent of the average monthly number of recipients
8 and their families to which assistance is provided under the temporary
9 assistance for needy families program.~~)

10 (5) The department shall not exempt a recipient and his or her
11 family from the application of subsection (1) of this section until
12 after the recipient has received fifty-two months of assistance under
13 this chapter.

14 (6) Beginning on October 31, 2005, the department shall provide
15 transitional food stamp assistance for a period of five months to a
16 household that ceases to receive temporary assistance for needy
17 families assistance and is not in sanction status. If necessary, the
18 department shall extend the household's food stamp certification until
19 the end of the transition period.

20 **Sec. 9.** RCW 74.08A.260 and 2009 c 85 s 2 are each amended to read
21 as follows:

22 (1) Each recipient shall be assessed after determination of program
23 eligibility and before referral to job search. Assessments shall be
24 based upon factors that are critical to obtaining employment, including
25 but not limited to education, availability of child care, history of
26 family violence, history of substance abuse, and other factors that
27 affect the ability to obtain employment. Assessments may be performed
28 by the department or by a contracted entity. The assessment shall be
29 based on a uniform, consistent, transferable format that will be
30 accepted by all agencies and organizations serving the recipient.
31 Based on the assessment, an individual responsibility plan shall be
32 prepared that: (a) Sets forth an employment goal and a plan for
33 maximizing the recipient's success at meeting the employment goal; (b)
34 considers WorkFirst educational and training programs from which the
35 recipient could benefit; (c) contains the obligation of the recipient
36 to participate in the program by complying with the plan; (d) moves the
37 recipient into full-time WorkFirst activities as quickly as possible;

1 and (e) describes the services available to the recipient either during
2 or after WorkFirst to enable the recipient to obtain and keep
3 employment and to advance in the workplace and increase the recipient's
4 wage earning potential over time.

5 (2) Recipients who are not engaged in work and work activities, and
6 do not qualify for a good cause exemption under RCW 74.08A.270, shall
7 engage in self-directed service as provided in RCW 74.08A.330.

8 (3) If a recipient refuses to engage in work and work activities
9 required by the department, the family's grant shall be reduced by the
10 recipient's share, and may, if the department determines it
11 appropriate, be terminated.

12 (4) The department may waive the penalties required under
13 subsection (3) of this section, subject to a finding that the recipient
14 refused to engage in work for good cause provided in RCW 74.08A.270.

15 (5) Recipients with children under the age of six who are required
16 to participate in a work activity shall be required to participate in
17 that work activity for no more than twenty hours per week.

18 (6) In implementing this section, the department shall assign the
19 highest priority to the most employable clients, including adults in
20 two-parent families and parents in single-parent families that include
21 older preschool or school-age children to be engaged in work
22 activities.

23 ~~((+6))~~ (7) In consultation with the recipient, the department or
24 contractor shall place the recipient into a work activity that is
25 available in the local area where the recipient resides.

26 ~~((+7))~~ (8) Assessments conducted under this section shall include
27 a consideration of the potential benefit to the recipient of engaging
28 in financial literacy activities. The department shall consider the
29 options for financial literacy activities available in the community,
30 including information and resources available through the financial
31 ~~((literacy))~~ education public-private partnership created under RCW
32 28A.300.450. The department may authorize up to ten hours of financial
33 literacy activities as a core activity or an optional activity under
34 WorkFirst.

35 **Sec. 10.** RCW 43.215.135 and 2010 c 273 s 2 are each amended to
36 read as follows:

37 (1) The department shall establish and implement policies in the

1 working connections child care program to promote stability and quality
2 of care for children from low-income households. Policies for the
3 expenditure of funds constituting the working connections child care
4 program must be consistent with the outcome measures defined in RCW
5 74.08A.410 and the standards established in this section intended to
6 promote continuity of care for children.

7 (2) Beginning in fiscal year 2011, for families with children
8 enrolled in an early childhood education and assistance program, a head
9 start program, or an early head start program, authorizations for the
10 working connections child care subsidy shall be effective for twelve
11 months unless a change in circumstances necessitates reauthorization
12 sooner than twelve months.

13 (3) During the 2011-2013 biennium, the income eligibility limit for
14 the working connections child care program shall be at one hundred
15 seventy-five percent of the federal poverty level.

16 (4) The department, in consultation with the department of social
17 and health services, shall report to the legislature by September 1,
18 2011, with:

19 (a) An analysis of the impact of the twelve-month authorization
20 period on the stability of child care, program costs, and
21 administrative savings; and

22 (b) Recommendations for expanding the application of the twelve-
23 month authorization period to additional populations of children in
24 care.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.215
26 RCW to read as follows:

27 By December 31, 2011, the department, with the assistance of the
28 department of social and health services, shall develop and implement
29 an electronic benefit transfer system to be used for the delivery of
30 subsidized child care. The system shall be developed to allow the
31 department to track time and attendance for any child for whom a child
32 care provider is receiving a subsidy and to process subsidy payments to
33 providers.

34 **Sec. 12.** RCW 74.08.580 and 2002 c 252 s 1 are each amended to read
35 as follows:

1 (1) Any person receiving public assistance is prohibited from using
2 electronic benefit cards or cash obtained with electronic benefit
3 cards:

4 (a) For the purpose of participating in any of the activities
5 authorized under chapter 9.46 RCW;

6 (b) For the purpose of parimutuel wagering authorized under chapter
7 67.16 RCW; (~~or~~)

8 (c) To purchase lottery tickets or shares authorized under chapter
9 67.70 RCW;

10 (d) For the purpose of participating in or purchasing any
11 activities located in a tattoo, body piercing, or body art shop
12 licensed under chapter 18.300 RCW;

13 (e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco
14 products as defined in RCW 82.26.010;

15 (f) To purchase any items regulated under Title 66 RCW;

16 (g) For the purpose of participating in or purchasing any
17 activities located in an adult entertainment venue with performances
18 that contain erotic material where minors under the age of eighteen are
19 prohibited under RCW 9.68A.150; or

20 (h) For the purpose of participating in or purchasing any
21 activities or items located in an establishment where persons under the
22 age of eighteen are not permitted.

23 (2)(a) The department shall notify, in writing, all recipients of
24 electronic benefit cards that any violation of subsection (1) of this
25 section could result in legal proceedings and forfeiture of all cash
26 public assistance.

27 (b) Whenever the department receives notice that a person has
28 violated subsection (1) of this section, the department shall notify
29 the person in writing that the violation could result in legal
30 proceedings and forfeiture of all cash public assistance.

31 (c) The department shall assign a protective payee to the person
32 receiving public assistance who violates subsection (1) of this
33 section.

34 **Sec. 13.** RCW 43.88C.010 and 2000 c 90 s 1 are each amended to read
35 as follows:

36 (1) The caseload forecast council is hereby created. The council
37 shall consist of two individuals appointed by the governor and four

1 individuals, one of whom is appointed by the chairperson of each of the
2 two largest political caucuses in the senate and house of
3 representatives. The chair of the council shall be selected from among
4 the four caucus appointees. The council may select such other officers
5 as the members deem necessary.

6 (2) The council shall employ a caseload forecast supervisor to
7 supervise the preparation of all caseload forecasts. As used in this
8 chapter, "supervisor" means the caseload forecast supervisor.

9 (3) Approval by an affirmative vote of at least five members of the
10 council is required for any decisions regarding employment of the
11 supervisor. Employment of the supervisor shall terminate after each
12 term of three years. At the end of the first year of each three-year
13 term the council shall consider extension of the supervisor's term by
14 one year. The council may fix the compensation of the supervisor. The
15 supervisor shall employ staff sufficient to accomplish the purposes of
16 this section.

17 (4) The caseload forecast council shall oversee the preparation of
18 and approve, by an affirmative vote of at least four members, the
19 official state caseload forecasts prepared under RCW 43.88C.020. If
20 the council is unable to approve a forecast before a date required in
21 RCW 43.88C.020, the supervisor shall submit the forecast without
22 approval and the forecast shall have the same effect as if approved by
23 the council.

24 (5) A council member who does not cast an affirmative vote for
25 approval of the official caseload forecast may request, and the
26 supervisor shall provide, an alternative forecast based on assumptions
27 specified by the member.

28 (6) Members of the caseload forecast council shall serve without
29 additional compensation but shall be reimbursed for travel expenses in
30 accordance with RCW 44.04.120 while attending sessions of the council
31 or on official business authorized by the council. Nonlegislative
32 members of the council shall be reimbursed for travel expenses in
33 accordance with RCW 43.03.050 and 43.03.060.

34 (7) "Caseload," as used in this chapter, means the number of
35 persons expected to meet entitlement requirements and require the
36 services of public assistance programs, state correctional
37 institutions, state correctional noninstitutional supervision, state

1 institutions for juvenile offenders, the common school system, long-
2 term care, medical assistance, foster care, and adoption support.

3 (8) The council shall provide the legislature with a courtesy
4 caseload forecast of the temporary assistance for needy families
5 program.

6 (9) Unless the context clearly requires otherwise, the definitions
7 provided in RCW 43.88.020 apply to this chapter.

8 NEW SECTION. Sec. 14. A new section is added to chapter 43.09 RCW
9 to read as follows:

10 (1) The auditor shall appoint a fraud ombudsman to oversee and
11 quarterly audit the work of the division of fraud investigation, or its
12 successor, at the department of social and health services. The
13 ombudsman shall review the fraud investigative work done by the
14 division including cases filed with local prosecuting authorities. The
15 ombudsman shall also have authority to investigate citizen complaints
16 made to the auditor's office related to fraud or abuse in the temporary
17 assistance for needy families program. The department of social and
18 health services shall provide the ombudsman with access to any relevant
19 records it has in its possession related to a fraud or abuse
20 investigation.

21 (2) The ombudsman must submit a report summarizing its auditing
22 activities of the division to the appropriate committees of the senate
23 and house of representatives by November 30, 2012, and biennially
24 thereafter. The division of fraud investigation shall assist the
25 ombudsman in producing this report. The report shall contain only
26 disclosable information, including:

27 (a) A description of significant fraud or abuse, and of
28 vulnerabilities or deficiencies relating to the prevention and
29 detection of fraud or abuse, discovered as a result of investigations
30 completed during the reporting period;

31 (b) A description of corrective action taken by the department
32 regarding fraud and abuse discovered as a result of investigations
33 conducted by the division of fraud investigation;

34 (c) Recommendations for improving the activities of the division
35 with respect to the vulnerabilities or deficiencies identified under
36 (a) of this subsection;

1 (d) An identification of each significant recommendation described
2 in the previous reports on which corrective action has or has not been
3 completed; and

4 (e) A summary of matters referred to prosecuting authorities during
5 the reporting period and the charges filed and convictions entered
6 during the reporting period that have resulted from referrals by the
7 division.

8 **Sec. 15.** RCW 74.04.012 and 2008 c 74 s 3 are each amended to read
9 as follows:

10 (1) There is established a unit within the department for the
11 purpose of detection, investigation, and prosecution of any act
12 prohibited or declared to be unlawful in the programs administered by
13 the department. The secretary will employ qualified supervisory,
14 legal, and investigative personnel for the program. Program staff must
15 be qualified by training and experience.

16 (2) This unit shall assist the fraud ombudsman in the state
17 auditor's office with his or her responsibilities in auditing and
18 overseeing the fraud investigations in the temporary assistance for
19 needy families program under section 14 of this act.

20 NEW SECTION. **Sec. 16.** Section 1 of this act is necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and takes effect July 1, 2011.

24 NEW SECTION. **Sec. 17.** Section 8 of this act expires June 30,
25 2013.

26 NEW SECTION. **Sec. 18.** RCW 74.08A.340 (Funding restrictions) and
27 2009 c 564 s 953, 2008 c 329 s 922, 2007 c 522 s 957, 2006 c 265 s 209,
28 & 1997 c 58 s 321 are each repealed.

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