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HOUSE BILL 3141

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Kagi, Pettigrew, Seaquist, Kenney, and Ormsby

Read first time 01/27/10. Referred to Committee on Early Learning & Children's Services.

1 AN ACT Relating to redesigning the delivery of temporary assistance  
2 for needy families; amending RCW 74.08A.010, 74.08A.340, and  
3 74.08A.285; adding a new section to chapter 43.215 RCW; adding new  
4 sections to chapter 74.08A RCW; creating a new section; and repealing  
5 RCW 74.08A.200.

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

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

9 (1) The legislature finds that promoting meaningful change in the  
10 lives of needy families requires a thoughtful and creative approach to  
11 matching available resources with families' needs and developing a  
12 comprehensive plan to assist the family in attaining lasting self-  
13 sufficiency.

14 (2) The legislature further finds that policies to encourage the  
15 completion of appropriate educational and training programs result in  
16 more parents attaining living wage jobs, and more families becoming  
17 economically self-sufficient so that they may leave public financial  
18 assistance programs permanently.

1 (3) The legislature also finds that ample research demonstrates  
2 that the completion of at least forty-five college credits, resulting  
3 in a credential or certificate, is often critical to achieving self-  
4 sufficiency.

5 (4) Research also demonstrates that without adequate levels of  
6 education or training, job search activities alone have no measurable  
7 impact on a family's ability to become and remain economically self-  
8 sufficient.

9 (5) The legislature also finds that while many families have been  
10 successful in permanently leaving the program of temporary assistance  
11 for needy families, statistics indicate that families continue to  
12 return to the program in the absence of adequate education and  
13 training.

14 (6) The legislature also finds that a primary purpose of the  
15 temporary assistance for needy families program is to enable parents to  
16 work, and therefore, the legislature intends to assure that subsidized  
17 employment in the community jobs program will be available to parents  
18 who are unable to find employment after earnest efforts at job search  
19 or education and training activities.

20 (7) The legislature recognizes that federal law exempts certain  
21 parents from training or work requirements due to a disability,  
22 including caring for a disabled child. The legislature intends that  
23 these parents and children also must be supported with appropriate  
24 services.

25 (8) In order to provide work opportunities for parents with  
26 significant barriers to employment, the legislature also intends to  
27 build upon the successes of the community jobs program.

28 (9) The legislature recognizes the vital importance of early  
29 childhood development and the significant developmental risks presented  
30 for children living in low-income households, particularly during  
31 critical developmental stages. Therefore, the legislature intends to  
32 reform components of Washington's subsidized childcare program by  
33 redesigning the eligibility determination process to promote: (a)  
34 Stability for children and (b) predictability for parents who are  
35 either working or preparing and searching for work and the childcare  
36 providers who are serving low-income families.

37 (10) The legislature intends, through the implementation of this  
38 act, to: (a) Infuse new energy into efforts to improve the well-being

1 of low-income families through education and training opportunities  
2 that will lead to sustainable economic self-sufficiency for families  
3 and (b) help alleviate the effects of poverty on Washington's children,  
4 particularly those experiencing significant poverty during critical  
5 stages of their development.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215 RCW  
7 to read as follows:

8 (1) The department shall establish and implement policies in the  
9 working connections child care program to promote stability and quality  
10 of care for children from low-income households. Policies for the  
11 expenditure of funds constituting the working connections child care  
12 program must be consistent with the outcome measures defined in RCW  
13 74.08A.410 and the standards established in this section intended to  
14 promote continuity of care for children.

15 (2) Eligibility determinations and authorizations for working  
16 connections subsidies must be effective for twelve months unless a  
17 parent or child care provider reports a change in circumstances  
18 necessitating reauthorization prior to the end of the twelve-month  
19 period. This requirement must be introduced gradually, as follows:

20 (a) Beginning in fiscal year 2011, a twelve-month authorization  
21 takes effect for parents with children enrolled in an early childhood  
22 education and assistance program, a head start program, or an early  
23 head start program; and

24 (b) Beginning in fiscal year 2013, a twelve-month authorization  
25 takes effect for all other parents receiving a working connections  
26 subsidy.

27 **Sec. 3.** RCW 74.08A.010 and 2004 c 54 s 4 are each amended to read  
28 as follows:

29 (1) A family that includes an adult who has received temporary  
30 assistance for needy families for sixty months after July 27, 1997,  
31 shall be ineligible for further temporary assistance for needy families  
32 assistance.

33 (2) For the purposes of applying the rules of this section, the  
34 department shall count any month in which an adult family member  
35 received a temporary assistance for needy families cash assistance

1 grant unless the assistance was provided when the family member was a  
2 minor child and not the head of the household or married to the head of  
3 the household.

4 (3) The department shall refer recipients who require specialized  
5 assistance to appropriate department programs, crime victims' programs  
6 through the department of ~~((community, trade, and economic  
7 development))~~ commerce, or the crime victims' compensation program of  
8 the department of labor and industries.

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

18 (b) For purposes of this section, "hardship" includes: (i)  
19 Relative caregivers over the age of fifty-five; (ii) relative  
20 caregivers who are caring for a child or adult with a disability, or  
21 who are incapacitated and unable to work; (iii) recipients addressing  
22 family violence issues; (iv) recipients parenting a child under the age  
23 of one year; (v) recipients who are in compliance with their individual  
24 responsibility plan as required under RCW 74.08A.260; and (vi) other  
25 circumstances of hardship deemed by the department to be appropriate.

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

30 (6) ~~((Beginning on October 31, 2005,))~~ (a) The department shall  
31 provide transitional food stamp assistance for a period of five months  
32 to a household that ceases to receive temporary assistance for needy  
33 families assistance and is not in sanction status. If necessary, the  
34 department shall extend the household's food stamp certification until  
35 the end of the transition period.

36 (b) At least three months before a family leaves the temporary  
37 assistance for needy families program under subsection (1) of this  
38 section, the department shall, in collaboration with the family,

1 develop a transition plan that includes a description of the resources,  
2 services, and programs the family may access in order to assure the  
3 children in the family are provided adequate shelter, food, and care.

4 (c) An adult scheduled to leave the program under subsection (1) of  
5 this section who has been unable to find stable employment after  
6 receiving services for sixty months must be offered subsidized  
7 employment in the community jobs program. If the adult accepts the  
8 offer of subsidized employment, the adult's individual responsibility  
9 plan must be revised, and as long as the adult remains in compliance  
10 with the individual responsibility plan, the adult is exempt on the  
11 basis of hardship under subsection (4)(b) of this section. If the  
12 adult refuses the offer of subsidized employment or fails to comply  
13 with the individual responsibility plan as revised under this  
14 subsection, the adult is ineligible for further services from the  
15 temporary assistance for needy families program.

16 **Sec. 4.** RCW 74.08A.340 and 2009 c 564 s 953 are each amended to  
17 read as follows:

18 The department of social and health services shall operate the  
19 Washington (~~WorkFirst~~) family lifeline program authorized under RCW  
20 74.08A.200 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040,  
21 and chapter 74.12 RCW within the following constraints:

22 (1) The (~~full amount of~~) legislature shall appropriate the  
23 temporary assistance for needy families block grant, plus qualifying  
24 state expenditures (~~as appropriated~~) in the biennial operating  
25 budget(~~, shall be appropriated~~) to the department each year in the  
26 biennial appropriations act to carry out the provisions of the program  
27 authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145,  
28 43.215.545, and 74.25.040, and chapter 74.12 RCW. Expenditures of  
29 amounts under this subsection are subject to appropriation and subject  
30 to any conditions contained in the omnibus operating appropriations  
31 act.

32 (2)(a) The legislature shall appropriate and the department (~~may~~)  
33 shall expend funds defined in subsection (1) of this section in any  
34 manner that will effectively accomplish the outcome measures defined in  
35 RCW 74.08A.410 (~~with the following exception: Beginning with the~~  
36 ~~2007-2009 biennium, funds that constitute the working connections child~~

1 ~~care program, child care quality programs, and child care licensing~~  
2 ~~functions)).~~

3 (b) ~~((Beginning in the 2007-2009 fiscal biennium,))~~ The legislature  
4 shall appropriate and the departments of early learning and social and  
5 health services shall expend funds defined in subsection (1) of this  
6 section that constitute the working connections child care program,  
7 child care quality programs, and child care licensing functions in a  
8 manner that is consistent with the outcome measures defined in RCW  
9 74.08A.410.

10 (c) No more than fifteen percent of the amount provided in  
11 subsection (1) of this section may be spent for administrative  
12 purposes. For the purpose of this subsection, "administrative  
13 purposes" does not include expenditures for information technology and  
14 computerization needed for tracking and monitoring required by P.L.  
15 104-193. The department shall not increase grant levels to recipients  
16 of the program authorized in RCW 74.08A.200 through 74.08A.330 and  
17 43.330.145 and chapter 74.12 RCW, except as authorized in the omnibus  
18 appropriations act for the 2009-2011 biennium.

19 (3) The department shall implement strategies that accomplish the  
20 outcome measures identified in RCW 74.08A.410 that are within the  
21 funding constraints in this section. ~~((Specifically, the department~~  
22 ~~shall implement strategies that will cause the number of cases in the~~  
23 ~~program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145~~  
24 ~~and chapter 74.12 RCW to decrease by at least fifteen percent during~~  
25 ~~the 1997-99 biennium and by at least five percent in the subsequent~~  
26 ~~biennium.))~~ The department may transfer appropriation authority  
27 between funding categories within the economic services program in  
28 order to carry out the requirements of this subsection.

29 (4) The department shall monitor expenditures against the  
30 appropriation levels provided for in subsection (1) of this section.  
31 The department shall quarterly make a determination as to whether  
32 expenditure levels will exceed available funding and communicate its  
33 finding to the legislature. If the determination indicates that  
34 expenditures will exceed funding at the end of the fiscal year, the  
35 department shall take all necessary actions to ensure that all services  
36 provided under this chapter shall be made available only to the extent  
37 of the availability and level of appropriation made by the legislature.

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

3           The temporary assistance for needy families program must be  
4 administered to implement three pathways to family self-sufficiency.  
5 Pathways are intended to guide case management and to engage parents in  
6 developing a comprehensive plan to achieve self-sufficiency while  
7 addressing families' current basic needs. Pathways must be implemented  
8 as follows:

9           (1) The employment pathway is the presumptive referral for persons  
10 who:

11           (a) Have marketable job skills, adequate education, or experience  
12 and attachment to the job force;

13           (b) Do not have unaddressed barriers to employment; and

14           (c) Have transportation and safe child care arrangements in place;  
15 or

16           (d) Select the employment pathway even though eligible for another  
17 pathway.

18           (2) Persons entering the employment pathway must engage in job  
19 search activities for six weeks. If unsuccessful in obtaining  
20 employment, the education and training pathway is the next presumptive  
21 referral.

22           (3) The career development pathway is the presumptive pathway for  
23 persons who:

24           (a) Have few or no marketable job skills and little experience or  
25 attachment to the job force;

26           (b) Do not have a high school diploma or equivalent; or

27           (c) Require adult basic education or barrier removal activities.

28           (4) Persons entering the career development pathway must be  
29 referred to programs delivered or coordinated by the community and  
30 technical colleges and to other activities to remove barriers to  
31 employment, as appropriate. The community and technical colleges must  
32 coordinate all available resources to serve persons referred under this  
33 section, including but not limited to opportunity grants; AmeriCorps  
34 programs; postsecondary technical education programs; apprenticeships;  
35 customized job training programs; and adult basic education and basic  
36 skills programs.

37           (5) Persons completing activities to remove barriers to employment  
38 may be referred to the employment pathway, if appropriate.

1 (6) Persons primarily needing entry level work experience to  
2 progress in a career pathway leading to self-sufficiency may be  
3 referred to the community jobs program.

4 (7) The disability support pathway is the presumptive pathway for  
5 persons who:

6 (a) Are incapacitated and unemployable;

7 (b) Are caring for a child with a disability; or

8 (c) Are the primary caregiver for a family member with a  
9 disability.

10 (8) Persons entering the disability support pathway who are  
11 exempted from active job search activities due to incapacity or  
12 disability are eligible to receive benefits provided in Washington to  
13 persons with disabilities including, but not limited to:

14 (a) Assistance applying for the federal social security disability  
15 and supplemental income programs;

16 (b) Referral and access to chemical dependency treatment or mental  
17 health treatment, if appropriate; and

18 (c) Referral to vocational rehabilitation, and other services  
19 needed to assist the recipient in becoming employable, if appropriate.

20 (9) Disability benefits under this section do not supplant cash  
21 assistance and other services provided through the temporary assistance  
22 for needy families program. To the greatest extent possible, state-  
23 provided services must be funded through the temporary assistance for  
24 needy families block grant.

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

27 Beginning December 1, 2010, and annually thereafter, the department  
28 shall report to the legislature and the governor regarding the families  
29 who have left and who are about to leave the program under RCW  
30 74.08A.010(1) due to ineligibility.

31 (1) For families who left the program under RCW 74.08A.010(1) in  
32 the previous twelve months, the report must describe:

33 (a) The median age and range of the adults, by one-adult and two-  
34 adult families;

35 (b) The gender of the adults in the one-adult families;

36 (c) The percent of one-adult families receiving regular child



1 support payments, and the median amount and range of support payments  
2 received;

3 (d) The median age and range of children, by one-adult and two-  
4 adult families;

5 (e) The median number of returns to the program and the length of  
6 stay upon return;

7 (f) The educational level of the adults, by one-adult and two-adult  
8 families; and

9 (g) The scope and type of resources, services, and programs  
10 identified in the transition plan required under RCW 74.08A.010(6)(b).

11 (2) For families who are within six months of leaving the program  
12 under RCW 74.08A.010(1), the report must describe:

13 (a) The same elements described in subsection (1) of this section;  
14 and

15 (b) The scope and type of resources, services, and programs  
16 anticipated to be available to the families leaving the program.

17 **Sec. 7.** RCW 74.08A.285 and 2003 c 383 s 3 are each amended to read  
18 as follows:

19 The ((~~WorkFirst~~)) family lifeline program operated by the  
20 department to meet the federal work requirements specified in P.L. 104-  
21 193 shall contain a job search component. The component shall consist  
22 of instruction on how to secure a job and assisted job search  
23 activities to locate and retain employment. Nonexempt recipients of  
24 temporary assistance for needy families who are referred to the  
25 employment pathway shall participate in an initial job search for ((~~no~~  
26 ~~more than twelve~~)) six consecutive weeks. Each recipient shall receive  
27 a work skills assessment upon referral to the job search program. The  
28 work skills assessment shall include but not be limited to education,  
29 employment history, employment strengths, and marketable job skills.  
30 The recipient's ability to obtain employment will be reviewed  
31 periodically thereafter and, if it is clear at any time that further  
32 participation in a job search will not be productive, the department  
33 shall assess the recipient pursuant to RCW 74.08A.260 and section 5 of  
34 this act. The department shall refer recipients unable to find  
35 employment through the initial job search period to ((~~work~~)) an  
36 alternative pathway or other activities that will develop their  
37 educational attainment, skills, or knowledge to make them more

1 employable, including additional job search and job readiness  
2 assistance, unless the recipient is referred to the career development  
3 pathway.

4 NEW SECTION. **Sec. 8.** RCW 74.08A.200 (Intent--Washington  
5 WorkFirst) and 1997 c 58 s 301 are each repealed.

6 NEW SECTION. **Sec. 9.** This act may be known and cited as the  
7 family lifeline act of 2010.

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