

HOUSE BILL REPORT

ESSB 5244

As Reported By House Committee On:

Children & Family Services

Title: An act relating to the definition of "dependent child" for purposes of aid to families with dependent children.

Brief Description: Revising the definition of "dependent child" for purposes of aid to families with dependent children.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Owen and Hargrove).

Brief History:

Committee Activity:

Children & Family Services: 3/30/95, 3/31/95 [DPA].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 6 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck and Carrell.

Minority Report: Do not pass. Signed by 4 members: Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Staff: David Knutson (786-7146).

Background: Currently, a child in need under 18 years of age who chooses to leave his or her parent's home and live with a relative may be defined as a dependent child. The child may be eligible to receive Aid to Families with Dependent Children (AFDC) assistance while living with the relative, with or without the approval of his or her parents. The parents of the child may be required to reimburse the Department of Social and Health Services for assistance payments made on behalf of the dependent child.

Summary of Amended Bill: When a child voluntarily leaves the home of a parent, without the consent of the parent, the child is not considered a dependent child for purposes of eligibility for Aid to Families with Dependent Children assistance, unless:

(1) the child's out-of-home placement is approved and the parent is required to contribute to the child's support under the Family Reconciliation Act; or (2) a court has determined that the child has been abandoned, abused or neglected, or is in danger of substantial damage because the parent is incapable of caring for the child.

When the Department of Social and Health Services (DSHS) receives an application for AFDC benefits and determines that the child is not living with a parent, the department must notify the parent that an AFDC application on behalf of the child is received. If DSHS determines that the child left the home of a parent without parental consent, DSHS must advise the parent of the provisions of the Family Reconciliation Act.

DSHS is required to disclose the address of the child to the parent, when the parent requests the information in writing. DSHS must notify the adult with whom the child is staying that the information is provided to the parent, unless DSHS receives a court order enjoining disclosure or restricting parental access. If the department believes there is clear and cogent evidence that abuse or neglect has occurred, the department may not disclose the child's address until after a court hearing on the allegation.

Whenever a child voluntarily leaves a parent's home, without parental consent, no parent has an obligation or duty to repay any AFDC assistance provided on behalf of the child.

DSHS is required to seek federal waivers to fully implement the legislation and to report its efforts to the Legislature. Parents who successfully challenge an action by the department or an administrative law judge to provide aid to families with dependent children to their child who left home voluntarily will be reimbursed for their reasonable attorney fees.

Amended Bill Compared to Engrossed Substitute Bill: The department could only refuse to disclose the address or location of a child who voluntarily left home and is receiving aid to families with dependent children if there is clear and cogent evidence the parent abused or neglected the child. The parent is specifically authorized to receive attorney fees if the department or an administrative law judge incorrectly classifies a child as a "dependent child" for the purposes of the aid to families with dependent children program.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The department is incorrectly interpreting state law related to children who voluntarily leave home and apply for AFDC. The law must be made clear to not permit children to do this.

Testimony Against: None.

Testified: Senator Brad Owen, prime sponsor; and Larry Mitchell (pro).