
ENGROSSED SUBSTITUTE SENATE BILL 5244

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 02/22/95.

1 AN ACT Relating to the definition of "dependent child" for purposes
2 of aid to families with dependent children; amending RCW 74.12.010 and
3 74.04.060; adding a new section to chapter 74.12 RCW; and creating a
4 new section.

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

6 **Sec. 1.** RCW 74.12.010 and 1992 c 136 s 2 are each amended to read
7 as follows:

8 For the purposes of the administration of aid to families with
9 dependent children assistance, the term "dependent child" means any
10 child in need under the age of eighteen years who has been deprived of
11 parental support or care by reason of the death, continued absence from
12 the home, or physical or mental incapacity of the parent, and who is
13 living with a relative as specified under federal aid to families with
14 dependent children program requirements, in a place of residence
15 maintained by one or more of such relatives as his or their homes. The
16 term "dependent child" does not include a child who voluntarily leaves
17 the home of a parent, without the consent of the parent, unless:

1 (1) Out-of-home placement has been approved for that child under
2 chapter 13.32A RCW and the parent is required to contribute to support
3 of the child pursuant to RCW 13.32A.175; or

4 (2) The child has been determined by a court to meet the criteria
5 under RCW 13.34.030(4) (a), (b), or (c). The term a "dependent child"
6 shall, notwithstanding the foregoing, also include a child who would
7 meet such requirements except for his removal from the home of a
8 relative specified above as a result of a judicial determination that
9 continuation therein would be contrary to the welfare of such child,
10 for whose placement and care the state department of social and health
11 services or the county office is responsible, and who has been placed
12 in a licensed or approved child care institution or foster home as a
13 result of such determination and who: (1) Was receiving an aid to
14 families with dependent children grant for the month in which court
15 proceedings leading to such determination were initiated; or (2) would
16 have received aid to families with dependent children for such month if
17 application had been made therefor; or (3) in the case of a child who
18 had been living with a specified relative within six months prior to
19 the month in which such proceedings were initiated, would have received
20 aid to families with dependent children for such month if in such month
21 he had been living with such a relative and application had been made
22 therefor, as authorized by the Social Security Act: PROVIDED, That to
23 the extent authorized by the legislature in the biennial appropriations
24 act and to the extent that matching funds are available from the
25 federal government, aid to families with dependent children assistance
26 shall be available to any child in need who has been deprived of
27 parental support or care by reason of the unemployment of a parent or
28 stepparent liable under this chapter for support of the child.

29 "Aid to families with dependent children" means money payments,
30 services, and remedial care with respect to a dependent child or
31 dependent children and the needy parent or relative with whom the child
32 lives and may include another parent or stepparent of the dependent
33 child if living with the parent and if the child is a dependent child
34 by reason of the physical or mental incapacity or unemployment of a
35 parent or stepparent liable under this chapter for the support of such
36 child.

37 NEW SECTION. Sec. 2. A new section is added to chapter 74.12 RCW
38 to read as follows:

1 (1) Whenever the department receives an application for aid to
2 families with dependent children assistance on behalf of a child under
3 this chapter, the department shall determine whether the child is
4 living with a parent of the child. Whenever the child is living in the
5 home of a person or relative other than a parent of the child, the
6 department shall notify the parent that an application for assistance
7 on behalf of the child has been received by the department.

8 (2) If the department determines that the child has voluntarily
9 left the home of a parent, without the consent of the parent, the
10 department shall advise the parent of the provisions of the family
11 reconciliation act under Chapter 13.32A RCW.

12 (3) Upon written request of the parent, the department shall notify
13 the parent of the address and location of the child subject to the
14 provisions of RCW 74.04.060.

15 (4) If a child voluntarily leaves the home of a parent, without
16 parental consent, the parent has no obligation or duty to pay for any
17 aid to families with dependent children assistance provided under this
18 chapter.

19 **Sec. 3.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read
20 as follows:

21 (1) For the protection of applicants and recipients, the department
22 and the county offices and their respective officers and employees are
23 prohibited, except as hereinafter provided, from disclosing the
24 contents of any records, files, papers and communications, except for
25 purposes directly connected with the administration of the programs of
26 this title. In any judicial proceeding, except such proceeding as is
27 directly concerned with the administration of these programs, such
28 records, files, papers and communications, and their contents, shall be
29 deemed privileged communications and except for the right of any
30 individual to inquire of the office whether a named individual is a
31 recipient of welfare assistance and such person shall be entitled to an
32 affirmative or negative answer. ((However,))

33 (2) Upon written request of a parent who has been awarded
34 visitation rights in an action for divorce or separation or any parent
35 with legal custody of the child, the department shall disclose to him
36 or her the last known address and location of his or her natural or
37 adopted children. The secretary shall adopt rules which establish
38 procedures for disclosing the address of the children and providing,

1 when appropriate, for prior notice to the custodian of the children.
2 The notice shall state that a request for disclosure has been received
3 and will be complied with by the department unless the department
4 receives a copy of a court order which enjoins the disclosure of the
5 information or restricts or limits the requesting party's right to
6 contact or visit the other party or the child. Information supplied to
7 a parent by the department shall be used only for purposes directly
8 related to the enforcement of the visitation and custody provisions of
9 the court order of separation or decree of divorce. No parent shall
10 disclose such information to any other person except for the purpose of
11 enforcing visitation provisions of the said order or decree.

12 (3) When an application for aid to families with dependent children
13 assistance has been filed on the behalf of a child who has left his or
14 her parent's home, without the parent's consent, the department shall,
15 upon written request of the parent, disclose to the parent the last
16 known address and location of the child. The department, when
17 appropriate, shall provide prior notice to the adult with whom the
18 child is living. The notice shall state that a request for disclosure
19 has been received and will be complied with by the department unless
20 the department receives a copy of a court order that enjoins the
21 disclosure of the information or restricts or limits the requesting
22 party's right to contact or visit the other party or the child. If an
23 allegation of abuse or neglect has been made the department may not
24 disclose to the parent the child's last known address or location until
25 a shelter care hearing under chapter 13.34 RCW has been held.

26 (4) The county offices shall maintain monthly at their offices a
27 report showing the names and addresses of all recipients in the county
28 receiving public assistance under this title, together with the amount
29 paid to each during the preceding month.

30 (5) The provisions of this section shall not apply to duly
31 designated representatives of approved private welfare agencies, public
32 officials, members of legislative interim committees and advisory
33 committees when performing duties directly connected with the
34 administration of this title, such as regulation and investigation
35 directly connected therewith: PROVIDED, HOWEVER, That any information
36 so obtained by such persons or groups shall be treated with such degree
37 of confidentiality as is required by the federal social security law.

38 (6) It shall be unlawful, except as provided in this section, for
39 any person, body, association, firm, corporation or other agency to

1 solicit, publish, disclose, receive, make use of, or to authorize,
2 knowingly permit, participate in or acquiesce in the use of any lists
3 or names for commercial or political purposes of any nature. The
4 violation of this section shall be a gross misdemeanor.

5 NEW SECTION. **Sec. 4.** By October 1, 1995, the department shall
6 request the governor to seek congressional action on any federal
7 legislation that may be necessary to implement any sections of this
8 act. By October 1, 1995, the department shall request the governor to
9 seek federal agency action on any federal regulation that may require
10 a federal waiver. By January 1 of each year, the department shall
11 report to the legislature on the status of its efforts to obtain any
12 federal statutory or regulatory waivers provided in this section. If
13 all federal statutory or regulatory waivers necessary to fully
14 implement this act have not been obtained, the department shall report
15 the extent to which this act can be implemented without receipt of such
16 waivers. The reporting requirement under this section shall terminate
17 upon a report from the department that all waivers necessary to
18 implement this act have been obtained.

19 NEW SECTION. **Sec. 5.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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