Chapter 388-460 WAC
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WAC 388-460-0100 Can I choose someone to apply for Basic Food for my assistance unit? Your Basic Food assistance unit (AU) can choose an adult who is not a member of the AU to act on their behalf. This is called an authorized representative.

1. A responsible member of the AU can name, in writing, an authorized representative. A responsible member of the AU is either:
   a. The applicant;
   b. The applicant's spouse;
   c. Another member of the AU the applicant states is able to conduct business on behalf of all members in the AU.

2. The AU's authorized representative has the authority to apply for Basic Food on the AU's behalf.

3. If you receive Basic Food benefits in a qualified drug and alcohol treatment facility under WAC 388-408-0040, you must have an employee of the facility as your authorized representative for Basic Food.

4. If the authorized representative provides information to the department that causes an AU to have an overpayment, the AU members are liable for the overpayment.

5. An authorized representative may act on behalf of more than one Basic Food AU only if the community services office administrator approves.

WAC 388-460-0110 Do I have an authorized representative for Basic Food if I live in a treatment center or group home? (1) If you live in a qualified DDD group home under WAC 388-408-0040, you may choose to apply for Basic Food benefits:

   a. On your own behalf;
   b. Through an authorized representative of your choice; or
   c. Through the DDD group home acting as your authorized representative.

(2) If you live in a qualified drug and alcohol treatment center under WAC 388-408-0040, you must have an employee of the facility as your authorized representative for Basic Food.

(3) The person acting as authorized representative for residents in a qualified drug and alcohol treatment facility or qualified DDD group home must:

   a. Be aware of the resident's circumstances;
   b. Notify the department of any changes in income, resources or circumstances within ten days of the change;

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(c) Use the resident's Basic Food benefits for meals served to the resident; and

(d) Keep enough benefits in the facility's account to transfer one-half of a client's monthly allotment to the client's own account. If the client leaves the facility on or before the fifteenth of the month, the facility must return one half of the client's Basic Food allotment for that month.

(4) When a facility assigns an employee as the authorized representative for residents, the facility accepts responsibility for:

(a) Any misrepresentation or intentional program violation; and

(b) Liability for Basic Food benefits held at the facility on behalf of the resident.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 02-14-083, § 388-460-0010, filed 6/28/02, effective 7/1/02.

WAC 388-460-0015 Who will the department not allow as an authorized representative for Basic Food? (1) If you are acting as an authorized representative for Basic Food, we disqualify you from being an authorized representative for one year in we determine that you:

(a) Knowingly provided false information to the department;

(b) Misrepresented the circumstances of the Basic Food assistance unit (AU); or

(c) Misused the Basic Food benefits.

(2) If we disqualify you from being an authorized representative for Basic Food, we notify you and the head of the Basic Food AU thirty days before your disqualification starts.

(3) If you are a department employee, a retailer authorized to receive Basic Food benefits, or are disqualified from receiving Basic Food because of an intentional program violation under WAC 38-446-0015, you generally cannot be an authorized representative. If you are in any of these three categories and want to be an authorized representative for Basic Food:

(a) The AU must have no one else available to be an authorized representative; and

(b) You must have written approval from the community services office administrator to be the AU's authorized representative.

(4) A public or private nonprofit organization providing meals for homeless persons may not be an authorized representative under any conditions.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510. 03-22-03, § 388-460-0015, filed 10/28/03, effective 12/1/03. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-460-0015, filed 7/31/98, effective 9/1/98.]

WAC 388-460-0020 Who is a protective payee? (1) A protective payee is a person or an employee of an agency who manages client cash benefits to provide for basic needs - Housing, utilities, clothing, child care, and food. They may also provide services such as training clients how to manage money.

(2) Clients are assigned to protective payees for the following reasons:

(a) Emergency or temporary situations where a child is left without a caretaker (TANF/SFA) per WAC 388-460-0030;

(b) Mismanagement of money (TANF/SFA, PWA, ABD cash, or WCCC) per WAC 388-460-0035; or

(c) Pregnant or parenting minors per WAC 388-460-0040.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.100, 74.04.770, 74.04.0052, 74.04.655, 74.08.043, 74.08.335, and 2011 1st sp.s. c 36. 12-10-042, § 388-460-0020, filed 4/27/12, effective 6/1/12. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and chapter 74.08A RCW. 06-10-034, § 388-460-0020, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-14-083, § 388-460-0020, filed 6/28/02, effective 7/1/02.]

WAC 388-460-0025 Who can be a protective payee? (1) Clients may ask for a particular protective payee, but the department makes the final choice.

(2) Protective payees must contract with the department, except for employees of the department who are assigned this function as part of their job duties.

(3) The contracted protective payee and their staff must pass a criminal background check according to the criteria in WAC 388-06-0170, 388-06-0180 and 388-06-0190.

(4) A departmental employee acting as a protective payee must pass a criminal background check and cannot:

(a) Have the client in their caseload;

(b) Have the client in the caseloads of other employees under their supervision;

(c) Be responsible for determining or issuing benefits for the client;

(d) Be the office administrator;

(e) Be a special investigator.

(5) For TANF/SFA, a department employee cannot act as a protective payee when the department has legal custody or responsibility for placement and care of the child.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-14-083, § 388-460-0025, filed 6/28/02, effective 7/1/02.]

WAC 388-460-0030 When is an emergency or temporary protective payee (TANF/SFA) used? An emergency or temporary protective payee is assigned when a caretaker relative or adult acting in loco parentis per WAC 388-454-0005 is not available to take care of and supervise a child due to an emergency.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-14-083, § 388-460-0030, filed 6/28/02, effective 7/1/02.]

WAC 388-460-0035 When is a protective payee assigned for mismanagement of funds? (1) The decision to assign a person to a protective payee because of mismanagement of funds must be based on law or with proof the client is unable to manage their cash benefits. This proof must be current and show how this threatens the well being of a child or client on public assistance. Examples of proof are:

(a) Department employees or others observe that the client or client's children are hungry, ill, or not adequately clothed;

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(b) Repeated requests from the client for extra money for
basic essentials such as food, utilities, clothing, and housing;
(c) A series of evictions or utility shut off notices within
the last twelve months;
(d) Medical or psychological evaluations showing an
ability to handle money;
(e) Persons having had a chemical dependency assess-
ment and who are participating in chemical dependency treat-
ment;
(f) A complaint from businesses showing a pattern of
failure to pay bills or rent;
(g) Notice from the office of fraud and accountability
that a client illegally used a public assistance electronic ben-
efits transfer (EBT) card or cash obtained with an EBT card
two or more times. Illegal use includes infractions, felonies,
or violations referenced in WAC 388-412-0046 or WAC
388-446-0020.

(2) A lack of money or a temporary shortage of money
because of an emergency does not constitute mismanage-
ment.

(3) When a client has a history of mismanaging money,
benefits can be paid through a protective payee or directly to
a vendor.

WAC 388-460-0040 When does the department
assign a protective payee assigned to TANF/SFA or PWA
pregnant or parenting minors? Pregnant or parenting
minors who are not emancipated under court order must be
assigned to protective payees if the clients are:
(1) Head of a household;
(2) Under age eighteen;
(3) Unmarried; and
(4) Pregnant or have a dependent child.

WAC 388-460-0050 When is a client transferred
from a protective payee to guardianship? (1) In emergency
cases where a person is physically or mentally unable to man-
age their own funds, the client is referred to other divisions of
the department for full care, including guardianship.

(2) In cases where a child is eligible for TANF/SFA and
the caretaker relative does not use the benefits for adequate
care of the child, the case can be referred to the attorney gen-
eral to establish a limited guardianship.

(3) Guardianships are used only if it appears there is a
need for services that are expected to last longer than two
years.

(4) These guardianships are limited to management of
DHS benefits.

(5) The protective payee plan is changed if a guardian is
appointed. The guardian is designated as the payee.

WAC 388-460-0055 What are the protective payee's
responsibilities? The protective payee's responsibilities are
to:
(1) Manage client cash and child care assistance benefits
to pay bills for basic needs, such as housing and utilities, or as
directed in the protective payee plans;
(2) Provide money management for client if this item is
included in the protective payee plans; and
(3) Provide reports to the department on client progress.

WAC 388-460-0060 When are protective payee plans
done? A protective payee plan may be developed when a
case is assigned to a protective payee.

(1) A copy of the plan is provided to the protective payee
and the client.

(2) All cases must be reviewed:
(a) After an initial three-month period; and
(b) At least every six months beyond the initial period
for ongoing cases.

(3) Reviews include evaluation of:
(a) The need for the client to continue in protective payee
status; or
(b) The need to change the plan; or
(c) The client's potential to assume control of their funds
(or be removed from protective payee status); and
(d) Protective payee performance.

WAC 388-460-0065 When is the protective payee sta-
tus ended and how is a protective payee changed? A client
may be removed from a protective payee status when:
(1) Protective payee requests the client be reassigned;
(2) The department assigns a different protective payee;
or
(3) Protective payee is no longer required.

WAC 388-460-0070 What are your fair hearing
rights regarding protective payment? You have the right
for a fair hearing if you disagree with the department's deci-
sion to:
(1) Assign payment of benefits through a protective
payee,
(2) Continue the assignment,
(3) Change the protective payee selected for you, or
(4) Change the contents of your protective payee plan.

Payees on Benefit Issuances

[Statutory Authority: 74.08A.010(4), 74.08A.340, 74.08.090,
74.04.050. 02-14-083, § 388-460-0050, filed 6/28/02, effective 7/1/02.]

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