

CHAPTER 63.

[H. B. 200.]

PUBLIC ASSISTANCE.

AN ACT relating to public assistance; amending section 3, chapter 6, Laws of 1949 as last amended by section 17, chapter 174, Laws of 1953, and RCW 74.08.010; amending section 5, chapter 6, Laws of 1949 as last amended by section 18, chapter 174, Laws of 1953, and RCW 74.08.040; amending section 9, chapter 1, Laws of 1951 and RCW 74.08.270; amending section 35, chapter 174, Laws of 1953, and RCW 74.04.300; amending section 1, chapter 114, Laws of 1937 as last amended by section 24, chapter 174, Laws of 1953, and RCW 74.12.010; amending section 7, chapter 176, Laws of 1951 and RCW 74.10.070; repealing section 36, chapter 174, Laws of 1953 and RCW 74.08.111; repealing section 1, chapter 274, Laws of 1951 and RCW 74.08.274; repealing section 2, chapter 274, Laws of 1951 and RCW 74.08.275; repealing section 34, chapter 174, Laws of 1953 and RCW 74.08.300; adding new sections to Title 74 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

RCW 74.08.010
amended.

SECTION 1. Section 3, chapter 6, Laws of 1949 as last amended by section 17, chapter 174, Laws of 1953, and RCW 74.08.010 are each amended to read as follows:

Definitions.

For the purposes of chapters 74.04 through 74.16, unless the context indicates otherwise, the following definitions shall apply:

"Public
assistance."

(1) "Public assistance"—Public aid to persons in need thereof for any cause, including services, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

"Department."

(2) "Department"—The department of public assistance.

"County
office."

(3) "County office"—The administrative office for one or more counties.

"Director."

(4) "Director"—The director of the state department of public assistance.

"Federal-aid
assistance."

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in

any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, aid to dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services and any other programs of public assistance which are authorized by chapters 74.04 through 74.16 for which provision for federal aid may from time to time be made.

Definitions.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

"General assistance."

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are incapacitated from gainful employment.

Unemployable persons.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

Unemployed employable persons.

(7) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

"Applicant."

(8) "Recipient"—Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

"Recipient."

(9) "Income"—Net income in cash or kind available to an applicant or recipient, the receipt of which is regular and predictable enough that an applicant or recipient may rely upon it to contribute appreciably toward meeting his needs: *Provided*, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department is hereby authorized to disregard as a resource

"Income."

Proviso.

Definitions
"Income."

Proviso.

the first fifty dollars per month of any earned income of such blind recipient who is otherwise eligible for an aid to the blind grant: *Provided further*, That if the federal laws permit, the department is directed to disregard as a resource the first fifty dollars per month of any earned income of any recipient of old age assistance, aid to dependent children, or disability assistance who is otherwise eligible. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the federal security agency.

"Need."

(10) "Need"—The amount by which the requirements of an individual for himself and the dependent members of his family, as measured by the standards of the department, exceed all income and resources available to such individual in meeting such requirements.

"Resource."

Proviso.

(11) "Resource"—Any asset, tangible or intangible, which can be applied toward meeting an applicant's or recipient's need, either directly or by conversion into money or its equivalent: *Provided*, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources:

A home.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto. Whenever a recipient shall cease to use such property for residential purposes, either by himself or his dependents, the property shall be considered a resource which can be made available to meet need. If the person or his dependents absent themselves from the home for a consecutive period of ninety days such absence shall raise a presumption of abandonment: *Provided*, That hospitalization of a recipient or absence from the recipient's home for health

Proviso.

reasons for a period in excess of ninety days shall not raise such a presumption. Definitions.
"Resource."

(b) Household furnishings and personal clothing used and useful to the person.

(c) An automobile.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit, or marketable securities of such value.

(e) Life insurance having a cash surrender value not in excess of five hundred dollars for a single person or one thousand dollars for a family unit: *Provided*, That this maximum allowance shall be decreased by the amount of cash held by the person or the family unit under item (d) above. Proviso.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient. Whenever such person ceases to make use of such personal property and belongings, the same shall be considered a resource available to meet need.

(g) If the federal laws permit, the first fifty dollars per month of earned income of any recipient of old age assistance, aid to dependent children, or disability assistance who is otherwise eligible.

The department shall by rule and regulation fix the ceiling value for the individual or family unit for all personal property and belongings as defined in items (c), (d) and (e) of this section. If an applicant for or recipient of public assistance possesses personal property and belongings of a value in excess value, such person shall be ineligible for public assistance: *Provided*, That in the determination of need of applicants for or recipients of general assistance no resources shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available Proviso.

resource when such resources are determined to be necessary to the applicant's or recipient's restoration to independence.

RCW 74.08.040
amended.

SEC. 2. Section 5, chapter 6, Laws of 1949 as last amended by section 18, chapter 174, Laws of 1953, and RCW 74.08.040 are each amended to read as follows:

Amount of
grant—Stand-
ards of
assistance.

Grants shall be awarded on a uniform state-wide basis in accordance with standards of assistance established by the department. The department shall establish standards of assistance for old age assistance, aid to dependent children, aid to the blind, and general assistance to unemployable persons which shall be used to determine an applicant's or recipient's living requirements and which shall include reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incidentals. The total dollar value of the assistance budget shall, under average conditions, be not less than seventy-five dollars per month for an individual living alone; but a recipient shall not receive a grant of seventy-five dollars or more unless his actual requirements amount to seventy-five dollars. Grants shall be paid in the amount of requirements less all available income and resources which can be applied by the recipient toward meeting need, including shelter.

In order to determine such standards of assistance the department shall establish objective budgetary guides based upon actual living cost studies of the items of the budget. Such living cost studies shall be renewed or revised annually and new standards of assistance reflecting current living costs shall determine budgets of need. Any indicated adjustment in standards shall become effective not later than June 1st of 1953 and June 1st of each succeeding year.

The standards of assistance shall take into account the economy of joint living arrangements, and the department may, by rule and regulation, prescribe maximums for grants.

For general assistance to unemployed employable persons, the department shall establish standards of assistance based upon annual living cost studies and compatible with a minimum necessary for decent and healthful subsistence. Such standards shall permit the meeting of actual and emergent need on an individual basis.

SEC. 3. Section 35, chapter 174, Laws of 1953 and RCW 74.04.300 are each amended to read as follows: If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: *Provided*, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, the total assistance payment so obtained shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county clerk and county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within thirty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud.

RCW 74.04.300 amended.

Recovery of payments improperly received.

Proviso.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments

to such persons or may be recovered by a civil action instituted by the attorney general: *Provided*, That if the portion of any public assistance payment to which the recipient is not entitled is less than ten dollars and is erroneously paid to the recipient as a result of departmental error or oversight, such amount shall not be recovered by the state by deduction from subsequent assistance payments to such persons.

New section. SEC. 4. There is added to Title 74 RCW a new section to read as follows:

Old age assistance grants not recoverable as debt due state—
Exceptions.

Old age assistance grants awarded to an applicant under the laws of the state of Washington shall not be recoverable as a debt due the state, except where such funds have been received by the applicant contrary to law, or by fraud or deceit. Any and all claims accrued under the provisions of section 36, chapter 174, Laws of 1953 and RCW 74.08.111 are hereby renounced and declared to be null and void, except those claims which have accrued or which shall accrue on the basis of grants which have been received contrary to law, or by fraud or deceit.

RCW 74.08.270 amended.

SEC. 5. Section 9, chapter 1, Laws of 1951 and RCW 74.08.270 are each amended to read as follows:

Legislature to appropriate funds.

The legislature shall appropriate such funds as are necessary to carry out the purposes of this chapter: *Provided*, That any appropriation which the legislature may make for the payment of old age assistance grants shall be specifically earmarked for such purposes.

Proviso.

New section.

SEC. 6. There is added to chapter 74.08 RCW a new section to read as follows:

Services provided to obtain self-care.

The department is authorized to provide such social and related services as are reasonably necessary to the end that applicants for or recipients of old age assistance are helped to attain self-care.

SEC. 7. Section 7, chapter 176, Laws of 1951 and RCW 74.10.070 are each amended to read as follows:

The department is authorized to provide through employment of properly qualified personnel such social and related services as are found necessary for proper administration of this chapter and to the end that applicants for or recipients of disability assistance are helped to attain self-care and/or self-support by effective use of all resources for rehabilitation and restoration to health and independence. The department of public assistance shall refer recipients who can be benefited thereby to the appropriate public and private resources for rehabilitation through retraining, restorative services, treatment and therapy.

RCW 74.10.070 amended.

Restoration to health and independence—Services provided.

SEC. 8. There is added to chapter 74.12 RCW a new section to read as follows:

The department is authorized to provide such social and related services as are reasonably necessary to encourage the care of dependent children in their own homes or in the homes of relatives, to help maintain and strengthen family life and to help such parents or relatives to attain maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. In the provision of such services, maximum utilization of other agencies providing similar or related services shall be affected.

New section.

Services to encourage care of children in their own homes.

SEC. 9. There is added to chapter 74.16 RCW a new section to read as follows:

The department is authorized to provide social and related services as are reasonably necessary to the end that applicants for or recipients of aid to the blind assistance are helped to attain self-care.

New section.

Service provided to attain self-care.

SEC. 10. Section 1, chapter 114, Laws of 1937 as last amended by section 24, chapter 174, Laws of

RCW 74.12.010 amended.

1953, and RCW 74.12.010 are each amended to read as follows:

Definitions.
"Dependent
child."

For the purposes of the administration of aid to dependent children assistance, the term "dependent child" means a child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is living with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes.

"Aid to dependent children."

"Aid to dependent children" means money payments and services with respect to a dependent child or dependent children and the needy parents or relatives with whom the child lives.

Repeal.

SEC. 11. Section 36, chapter 174, Laws of 1953 and RCW 74.08.111; section 1, chapter 274, Laws of 1951 and RCW 74.08.274; section 2, chapter 274, Laws of 1951 and RCW 74.08.275; section 34, chapter 174, Laws of 1953 and RCW 74.08.300 are each repealed.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 3, 1957.

Passed the Senate March 2, 1957.

Approved by the Governor March 11, 1957.