

## CHAPTER 228.

[ H. B. 514. ]

## PUBLIC ASSISTANCE.

AN ACT relating to public assistance; amending section 74.04-.005, chapter 26, Laws of 1959 as amended by section 1, chapter 235, Laws of 1961 and RCW 74.04.005; amending section 74.04.015, chapter 26, Laws of 1959 and RCW 74.04-.015; amending section 74.04.050, chapter 26, Laws of 1959 and RCW 74.04.050; amending section 74.04.055, chapter 26, Laws of 1959 and RCW 74.04.055; amending section 74.04-.330, chapter 26, Laws of 1959 and RCW 74.04.330; amending section 2, chapter 269, Laws of 1961 and RCW 74.04.390; amending section 3, chapter 269, Laws of 1961 and RCW 74.04.400; amending section 4, chapter 269, Laws of 1961 and RCW 74.04.410; amending section 5, chapter 269, Laws of 1961 and RCW 74.04.420; amending section 6, chapter 269, Laws of 1961 and RCW 74.04.430; amending section 7, chapter 269, Laws of 1961 and RCW 74.04.440; amending section 74.08.283, chapter 26, Laws of 1959 and RCW 74.08-.283; amending section 74.12.010, chapter 26, Laws of 1959 as amended by section 1, chapter 265, Laws of 1961 and RCW 74.12.010; amending section 74.12.030, chapter 26, Laws of 1959 and RCW 74.12.030; amending section 74.12-.130, chapter 26, Laws of 1959 and RCW 74.12.130; amending section 1, chapter 206, Laws of 1961 and RCW 74.12.250; adding new sections to chapter 269, Laws of 1961 and to chapter 74.04 RCW; adding new sections to chapter 26, Laws of 1959 and to chapters 74.04, 74.08 and 74.12 RCW; and repealing section 74.08.295, chapter 26, Laws of 1959 and RCW 74.08.295; providing penalties; and declaring an emergency.

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

RCW 74.04.005  
amended.

SECTION 1. Section 74.04.005, chapter 26, Laws of 1959 as amended by section 1, chapter 235, Laws of 1961 and RCW 74.04.005 are each amended to read as follows:

Public assist-  
ance—General  
provisions.  
Definitions.

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disburs-

ing orders, work relief, general assistance and federal-aid assistance.

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

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

(4) "Director" — The director of the state department of public 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, medical assistance for the aged, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, medical care services, and any other programs of public assistance for which provision for federal funds or aid may from time to time be made.

(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.

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

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

(7) "Medical indigents" — Are persons without income or resources sufficient to secure necessary medical services.

(8) "Community work and training" — A plan jointly entered into between the state department of public assistance and an agency, department, board

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or commission of the state or federal government, county, city or municipal corporation which is subject to approval of the state department of public assistance under which the state or federal government, county, city or municipal corporation undertakes to provide work in and about public works or improvements, utilizing labor and services required to be performed by applicants or recipients of public assistance.

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

(10) "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.

(11) "Requirement"—Items of goods and services included in the state department of public assistance standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(12) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant'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.

Proviso.

(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, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and

if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons, shall raise a presumption of abandonment:

*Provided*, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need. Proviso.

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

(c) An automobile used and useful to the person.

(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 (1) The applicant enters into a written agreement with the state department of public assistance that, unless he obtains the consent of the department, he will not: Proviso.

(a) Surrender the insurance contract for its cash value; (b) Assign the insurance contract or its proceeds; (c) Change the beneficiary under the insurance contract; and (2) The beneficiary under the insurance contract enters into a written agreement with the state department of public assistance that he will pay all costs necessary to provide a decent burial for the applicant unless his designation as beneficiary under the insurance contract is changed with the consent of the department:

*Provided further*, That if by the terms of the policy or operation of law the applicant is unable to change the beneficiary designated in the policy, and the beneficiary refuses or is unable to agree to provide a burial for the applicant, the policy shall be considered an exempt resource, but the department by rule Proviso.

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and regulation shall decrease the maximum cash sur-  
render value allowed by the amount of cash held by  
the person or the family under (d) above.

(f) Other personal property and belongings which  
are used and useful or which have great sentimental  
value to the applicant or recipient.

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Whenever such person ceases to make use of any  
of the property specified in item (b), (c) and (f) of  
this section, the same shall be considered as income  
available to meet need: *Provided*, That the depart-  
ment may by rule and regulation exempt such per-  
sonal property and belongings which can be used by  
the applicant or recipient to decrease his need for  
public assistance or aid in rehabilitating him or his  
dependents.

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(g) The department shall by rule and regula-  
tion fix the ceiling value for the individual or family  
unit for all property and belongings as defined in  
items (c), (d) and (e) of this section. If an applicant  
for or recipient of public assistance possesses prop-  
erty and belongings in excess of the ceiling value,  
such value shall be used in determining the need  
of the applicant or recipient: *Provided*, That in the  
determination of need of applicants for or recipients  
of general assistance no resources or income 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 resource or income when such resources or  
income are determined to be necessary to the appli-  
cant's or recipient's restoration to independence.

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(13) "Income"—All appreciable gains in real or  
personal property (cash or kind) or other assets,  
which are received by or become available for use  
and enjoyment by an applicant or recipient after  
applying for or receiving public assistance: *Provided*,  
That all necessary expenses that may reasonably be

attributed to the earning of income shall be considered in determining net income. The department may also allow the setting aside of funds derived from earnings of a child to cover the cost of special future identifiable needs of the child: *Provided further*, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: *Provided further*, 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 or income the first eighty-five dollars per month of any earned income plus one-half of earned income in excess of eighty-five dollars per month and for a period of not in excess of twelve months such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the department, as may be necessary for the fulfillment of such plan of such blind recipient who is otherwise eligible for an aid to the blind grant: *Provided further*, That in determining the amount of assistance to which a recipient of old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first ten dollars per month of any earned income plus one-half of additional earnings up to fifty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income so exempted shall not, when added to the amount of cash or marketable securities

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exempted under (d) of subsection (12) of this section, exceed two hundred dollars for a single person or four hundred dollars for a family unit: *Provided further*, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. 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 department of health, education and welfare, and *Provided further*, That all resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

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(14) "Need"—The difference between the applicant's or recipient's cost of requirements for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

(15) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

RCW 74.04.015  
amended.

SEC. 2. Section 74.04.015, chapter 26, Laws of 1959 and RCW 74.04.015 are each amended to read as follows:

The director of public assistance shall be the

responsible state officer for the administration of, and the disbursement of all funds, goods, commodities and services, which may be received by the state in connection with, old age assistance, medical assistance to the aged, aid to families with dependent children, aid to the blind, disability assistance, child welfare services, vocational rehabilitation, and including, but not limited to other programs of public assistance or services related directly or indirectly to assistance programs, and all other matters included in the federal social security act approved August 14, 1935, or any other federal act or as the same may be amended excepting those required to be administered by the department of education or the state board of vocational education and those required to be administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation, and vital statistics services.

Director responsible officer to administer federal funds, goods and services.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

SEC. 3. Section 74.04.050, chapter 26, Laws of 1959 and RCW 74.04.050 are each amended to read as follows:

RCW 74.04.050 amended.

The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

Department as responsible state agency.

- (1) Old age assistance;
- (2) Medical assistance to the aged;
- (3) Aid to dependent children;
- (4) Aid to the needy blind;
- (5) Child welfare services;
- (6) Aid to permanently and totally disabled;



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state agency.

(7) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made.

The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities and services are extended to the state for the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

The department shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

RCW 74.04.055  
amended.

SEC. 4. Section 74.04.055, chapter 26, Laws of 1959, and RCW 74.04.055 are each amended to read as follows:

Cooperation  
with federal  
government—  
Construction.

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the director shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal match-

ing or other funds for the various programs of public assistance.

SEC. 5. Section 74.04.330, chapter 26, Laws of 1959 and RCW 74.04.330 are each amended to read as follows:

RCW 74.04.330 amended.

Every person, firm, corporation, association or organization receiving twenty-five percent or more of its income from contributions, gifts, dues, or other payments from persons receiving assistance, community work and training, federal-aid assistance, or any other form of public assistance from the state of Washington or any agency or subdivision thereof, and engaged in political or other activities in behalf of such persons receiving such public assistance, shall, within ninety days after the close of each calendar year, make a report to the director of the department of public assistance for the preceding year, which report shall contain:

Annual reports by assistance organizations — Penalty.

(1) A statement of the total amount of contributions, gifts, dues, or other payments received;

(2) The names of any and all persons, firms, corporations, associations or organizations contributing the sum of twenty-five dollars or more during such year, and the amounts contributed by such persons, firms, corporations, associations, or organizations;

(3) A full and complete statement of all disbursements made during such year, including the names of all persons, firms, corporations, associations, or organizations to whom any moneys were paid, and the amounts and purposes of such payments; and

(4) Every such report so filed shall constitute a public record.

(5) Any person, firm, or corporation, and any officer or agent of any firm, corporation, association or organization, violating this section by failing to file such report, or in any other manner, shall be guilty of a gross misdemeanor.

RCW 74.04.390 amended.

SEC. 6. Section 2, chapter 269, Laws of 1961 and RCW 74.04.390 are each amended to read as follows:

Public assistance. Community work and training program. Defined.

The term community work and training program shall be as defined as follows: A plan jointly entered into between the state department of public assistance and an agency, department, board or commission of the state or federal government, county, city or municipal corporation which is subject to approval of the state department of public assistance, under which the state or federal government, county, city or municipal corporation undertakes to provide work in and about public works or improvements, utilizing labor and services required to be performed by applicants or recipients of public assistance.

RCW 74.04.400 amended.

SEC. 7. Section 3, chapter 269, Laws of 1961 and RCW 74.04.400 are each amended to read as follows:

Rules and regulations.

The state department of public assistance is empowered and directed to adopt such rules and regulations as will make a community work and training program fair, efficient and workable.

RCW 74.04.410 amended.

SEC. 8. Section 4, chapter 269, Laws of 1961 and RCW 74.04.410 are each amended to read as follows:

Agreements with governmental entities for employment of eligible persons—Wages in lieu of assistance.

When the state or federal government or any agencies thereof, a county, city or municipal corporation has undertaken or is about to undertake, a program which is for the benefit of the general public or any segment thereof, said state agency, county, city or municipal corporation may enter into an agreement with the state department of public assistance wherein and whereby the department of public assistance may assign unemployed employable persons who have attained the age of eighteen and who are eligible for assistance to do and perform work and labor on behalf of said state, or federal government, county, city or municipal corporation and such person shall perform, if available, work and labor for such state, or federal government, county,

city or municipal corporation for the length of time necessary to earn at the legal minimum wage or the going hourly rate prevailing in the area for labor of like kind, whichever is higher, an amount of money equal to the amount of assistance granted to such person and the assistance unit of which he or his dependents is a part.

SEC. 9. Section 5, chapter 269, Laws of 1961 and RCW 74.04.420 are each amended to read as follows:

Any person assigned to a community work and training program may be denied assistance or may be suspended for such time as may be fixed by the rules and regulations of the department of public assistance if such person without good cause:

Denial or suspension of assistance—  
Grounds.

(1) Fails or refuses to satisfactorily perform the labor or services as may be assigned to him;

(2) Fails or refuses to report to work under such a program when and as directed by the state, or federal government, county, city or municipal corporation or by his foreman, overseer or other supervisor therein;

(3) Abandons or repeatedly absents himself from work;

(4) Is insubordinate to his foreman, overseer or other supervisor therein;

(5) Fails or refuses to take due precaution for the safety of himself or others or to use safety clothing or equipment made available to him; or

(6) Is guilty of misconduct connected with such work.

SEC. 10. Section 6, chapter 269, Laws of 1961 and RCW 74.04.430 are each amended to read as follows:

All community work and training programs, before an applicant or recipient of public assistance shall be assigned shall have met the approval of the state department of public assistance: *Provided*, That the state, or federal government, county, city or mu-

Approval of programs—  
Medical coverage.

Proviso.

Public assistance. Community work and training program. Medical coverage.

nicipal corporation utilizing assistance applicants or recipients for work and labor shall insure that such employment is covered by workmen's compensation administered by the department of labor and industries, or a similar plan approved by the department of public assistance, and all fees and charges for such coverage shall be paid by such state, or federal government, county, city or municipal corporation except that portion which is paid for medical aid and is properly chargeable to such applicant or recipient of assistance.

RCW 74.04.440 amended.

SEC. 11. Section 7, chapter 269, Laws of 1961 and RCW 74.04.440 are each amended to read as follows:

Governmental entity to furnish transportation, tools, supervision.

The state, or federal government, county, city or municipal corporation utilizing assistance applicants or recipients for work and labor shall furnish, where necessary, transportation, protective clothing and necessary tools and equipment for individuals performing such work or labor and shall take such measures as are necessary to insure that adequate supervision is provided on all such programs.

New section.

SEC. 12. There is added to chapter 269, Laws of 1961 and to chapter 74.04 RCW a new section to read as follows:

Qualifications for type of work to be performed.

The work performed on a community work and training program by a recipient of public assistance must serve a useful public purpose, must not displace regular workers or result in the performance by such persons of work that would otherwise be performed by employees of public or private agencies, institutions or organizations except in case of projects which are emergent or nonrecurring.

New section.

SEC. 13. There is added to chapter 269, Laws of 1961 and to chapter 74.04 RCW a new section to read as follows:

Work not employment under Title 50 RCW.

Work and labor performed by an applicant or recipient of public assistance on a community work

and training program shall not be deemed employment under the provisions of Title 50 RCW, and shall not deprive such person of any rights or benefits available thereunder.

SEC. 14. There is added to chapter 269, Laws of 1961 and to chapter 74.04 RCW a new section to read as follows: New section.

The state department of public assistance shall have the right to terminate unilaterally any agreement entered into pursuant to RCW 74.04.410 with the state or federal government or any agency thereof, a county, city or municipal corporation whenever the community work and training program contemplated by such agreement fails, for any reason, to meet any provision of chapter 74.04 RCW relating to community work and training or the purposes thereof, or any rule or regulation promulgated by the department thereunder. Right to terminate program.

SEC. 15. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows: New section.

The state department of public assistance is hereby authorized to promulgate rules and regulations governing the granting to any employee of the department, other than a provisional employee, a leave of absence for educational purposes to attend an institution of learning for the purpose of improving his skill, knowledge and technique in the administration of social welfare programs which will benefit the department. Employee leaves of absence for educational purposes—Rules for.

Pursuant to the rules and regulations of the department, employees of the department who are engaged in the administration of public welfare programs may (1) attend courses of training provided by institutions of higher learning; (2) attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the pur-

pose; (3) accept fellowships or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the federal government.

The department of public assistance is hereby authorized to accept any funds from the federal government or any other public or private agency made available for training purposes for public assistance personnel and to conform with such requirements as are necessary in order to receive such funds.

RCW 74.08.283 amended.

SEC. 16. Section 74.08.283, chapter 26, Laws of 1959 and RCW 74.08.283 are each amended to read as follows:

Public assistance. Services to attain 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 public assistance are helped to attain self-care.

New section.

SEC. 17. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

Departmental studies authorized.

The department of public assistance may conduct research studies, pilot projects, demonstration projects, surveys and investigations for the purpose of determining methods to achieve savings in public assistance programs by means of restoring individuals to maximum self-support and personal independence and preventing social and physical disablement, and for the accomplishment of any of such purposes may employ consultants or enter into contracts with any agency of the federal, state or local governments, nonprofit corporations, universities or foundations.

RCW 74.12.010 amended.

SEC. 18. Section 74.12.010, chapter 26, Laws of 1959 as amended by section 1, chapter 265, Laws of 1961 and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term

“dependent child” means any 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 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 or his or their homes. The term a “dependent child” shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal after April 30, 1961, from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of public assistance or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated as authorized by the social security act: *Provided*, That the director shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child.

Aid to families with dependent children. Definitions.

**Proviso.**

“Aid to families with dependent children” means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child’s parent and the child is a dependent child



by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

RCW 74.12.030 amended.

SEC. 19. Section 74.12.030, chapter 26, Laws of 1959 and RCW 74.12.030 are each amended to read as follows:

Aid to families with dependent children. Eligibility.

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for aid to families with dependent children must be a needy child:

- (1) Who has resided in the state for one year immediately preceding application; or
- (2) Who was born within the last year, and whose parent, or other relative, with whom he lives has lived in this state for a year immediately preceding his birth; or
- (3) Whose parent or other relative with whom he lives has been a resident of this state for one year immediately preceding application.

RCW 74.12.130 amended.

SEC. 20. Section 74.12.130, chapter 26, Laws of 1959 and RCW 74.12.130 are each amended to read as follows:

Child welfare services.

Child welfare services shall be defined as public social services which supplement, or substitute for, parental care and supervision for the purpose of: (1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children; (2) protecting and caring for homeless, dependent, or neglected children; (3) protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed, the provision of adequate care of children away from their homes in foster family homes or day care or other child care facilities. In carrying out its responsibilities in providing such services the department shall:

- (1) Accept custody of children and provide for

the care of children or such other children as are determined by the department to be in need of protective services, directly or through its agents, following, in general, the policy of using properly approved private agency services for the actual care and supervision of such dependent children insofar as they are available, paying for care of such dependent children as are accepted by the department as eligible for support at a reasonable rate established by the department; and

(2) Receive and expend all funds made available by the federal government, or the state for such purposes.

SEC. 21. Section 1, chapter 206, Laws of 1961 and RCW 74.12.250 are each amended to read as follows:

RCW 74.12.250 amended.

If the department, after investigation, finds that any recipient of funds under an aid to families with dependent children grant is not utilizing the grant adequately for the needs of the child or children or is otherwise dissipating such grant, or is unable to manage adequately the funds paid on behalf of said child and that to continue said payments to him would be contrary to the welfare of the child, the department may make such payments to another individual who is interested in or concerned with the welfare of such child and relative: *Provided*, That the department shall provide such counseling and other services as are available and necessary to develop greater ability on the part of the relative to manage funds in such manner as to protect the welfare of the family. Periodic review of each case shall be made by the department to determine if said relative is able to resume management of the assistance grant. If after a reasonable period of time the payments to the relative cannot be resumed, the department may request the attorney general to file a petition in the superior court for the appointment of a guardian for the child or children. Such peti-

Appointment of recipient of funds as guardian of grant—Notice, hearing, accounting.

Proviso.

tion shall set forth the facts warranting such appointment. Notice of the hearing on such petition shall be served upon the recipient and the department not less than ten days before the date set for such hearing. Such petition may be filed with the clerk of superior court and all process issued and served without payment of costs. If upon the hearing of such petition the court is satisfied that it is for the best interest of the child or children, and all parties concerned, that a guardian be appointed, he shall order the appointment, and may require the guardian to render to the court a detailed itemized account of expenditures of such assistance payments at such time as the court may deem advisable.

It is the intention of this section that the guardianship herein provided for shall be a special and limited guardianship solely for the purpose of safeguarding the assistance grants made to dependent children. Such guardianship shall terminate upon the termination of such assistance grant, or sooner on order of the court, upon good cause shown.

**New section.**

SEC. 22. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

**Aid to families with dependent children. Proofs required of recipient.**

Aid to families with dependent children grants shall be made to persons specified in RCW 74.12.010 as amended or such others as the federal department of health, education and welfare shall recognize for the sole purposes of giving benefits to the children whose needs are included in the grant paid to such persons. The recipient of each aid to families with dependent children's grant shall be and hereby is required to present reasonable proof to the department of public assistance as often as may be required by the department that all funds received in the form of an aid to families with dependent children grant for the children represented in the grant are being spent for the benefit of the children.

SEC. 23. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The decision of the department that there is need for a protective payment because of the relative's inability to manage the assistance payment shall be subject to the provisions of RCW 74.08.070 and RCW 74.08.080. Appeal from departmental decision.

SEC. 24. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The department is hereby authorized to promulgate rules and regulations which will provide for coordination between the services provided pursuant to RCW 74.12.130 and the services provided under the aid to families with dependent children program in order to provide welfare and related services which will best promote the welfare of such children and their families and conform with the provisions of Public Law 87-543 (HR 10606). Departmental rules for coordination of services.

SEC. 25. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The department of public assistance shall, during the initial and any subsequent determination of eligibility, evaluate the suitability of the home in which the dependent child lives, consideration to be given to physical care and supervision provided in the home; social, educational, and the moral atmosphere of the home as compared with the standards of the community; the child's physical and mental health and emotional security, special needs occasioned by the child's physical handicaps or illnesses, if any; the extent to which desirable factors outweigh the undesirable in the home; and the apparent possibility for improving undesirable conditions in the home. Eligibility—Factors to be considered.

New section.

SEC. 26. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Aid to families with dependent children. Home factor.

If the home in which the child lives is found to be unsuitable, but there is reason to believe that elimination of the undesirable conditions can be effected; and the child is otherwise eligible for aid, a grant shall be initiated or continued for such time as the state department of public assistance and the family require to remedy the conditions.

New section.

SEC. 27. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Replacement in relative's home, procedure.

When intensive efforts over a reasonable period have failed to improve the home conditions, the department shall determine if any other relatives specified by the social security act are maintaining a suitable home and are willing to take the care and custody of the child in their home. Upon an affirmative finding the department shall, if the parents or relatives with whom the child is living consent, take the necessary steps for placement of the child with such other relatives, but if the parents or relatives with whom the child lives refuse their consent to the placement then the department shall file a petition in the juvenile court for a decree adjudging the home unsuitable and placing the dependent child with such other relatives.

New section.

SEC. 28. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Replacement as provided in chapter 13.04 RCW.

If a diligent search reveals no other relatives as specified in the social security act maintaining a suitable home and willing to take custody of the child, then the department may file a petition in the appropriate juvenile court for placement of the child pursuant to the provisions of chapter 13.04 RCW.

SEC. 29. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

Notwithstanding the provisions of this act a child otherwise eligible for aid shall not be denied such assistance where a relative as specified in the social security act is unavailable or refuses to accept custody and the juvenile court fails to enter an order removing the child from the custody of the parent, relative or guardian then having custody. Aid despite other impediments.

SEC. 30. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The department is authorized to promulgate rules and regulations governing the provision of day care as a part of child welfare services when the director determines that a need exists for such day care and that it is in the best interests of the child and the mother and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: *Provided*, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family. Day care as part of child welfare services, rules for. Proviso.

SEC. 31. Section 74.08.295, chapter 26, Laws of 1959 and RCW 74.08.295 are each repealed. Repeal.

**Note:** See also section 6, chapter 211, Laws of 1963.

SEC. 32. 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. Emergency.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.