DRAFT

WASHINGTON'S

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

STATE PLAN

IN ACCORDANCE WITH

THE PERSONAL RESPONSIBILITY AND WORK

OPPORTUNITY RECONCILIATION ACT OF 1996

(P. L. 104-193)

BIENNIAL REVIEW COMPLETED
OCTOBER 9, 2008

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INTRODUCTION

WASHINGTON'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) STATE PLAN

Temporary Assistance for Needy Families (TANF) is the federal program which replaced the Aid to Families With Dependent Children (AFDC) program under federal welfare reform legislation, the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)*, P. L. 104-193. TANF provides block grants to states which are used to provide assistance and work programs for needy families. Washington enacted the *Washington WorkFirst Temporary Assistance for Needy Families Act* which created the WorkFirst program in order to complete implementation of the federal welfare reform legislation. It utilizes federal TANF funds, along with state funds, to develop and deliver services to needy families.

Washington will operate its TANF program in accordance with this plan, Washington State public assistance law in Title 74 of the Revised Code of Washington, and public assistance regulations in Title 388 of the Washington Administrative Code. The State will amend its TANF State Plan whenever the Department of Social & Health Services determines there is a significant change in program policy or rule.

A. PROGRAM GOALS

Washington State's approach to helping poor children, families, and individuals has undergone a fundamental change. Federal welfare reform, known as the *Personal Responsibility and Work Opportunity Reconciliation Act*, became law on August 22, 1996. On April 17, 1997 former Governor Gary Locke signed Engrossed House Bill (EHB) 3901, the *Washington WorkFirst Temporary Assistance to Needy Families (TANF) Act*, into law and stated:

> "Washington's 'WorkFirst' (TANF) Act creates a sound foundation for a welfare program that reflects the common sense, mainstream values of the people of this state: hard work, hope and opportunity for all. It creates an innovative work-based program that promises to reduce poverty, and to help people get jobs and sustain economic independence.
>
> At the same time, it reflects the desire of the people of this state to protect children and those who are unable to work."

On November 1, 1997, Washington's WorkFirst Program became operational statewide. The program design was to move families on welfare into employment as quickly as possible through upfront job search, work experience activities, and short-term education and training.

In 1998, as WorkFirst entered its second year, former Governor Locke stated:

> "Now we are building on our momentum to meet the next challenge - helping those who have gotten jobs to get more job training and target services so they can find better jobs. Moving up the career ladder to better paying jobs is essential to ensuring people who leave public assistance stay off permanently."

In keeping with this new emphasis on helping clients achieve permanent economic self-sufficiency, a number of enhancements to WorkFirst were made, including the introduction of post employment services, expanded childcare, a new focus on the hard-to-serve, and services for parents of infants between four and 12 months.

B. PROGRAM PURPOSES AND FUNDING USES

1. Washington uses TANF funds to accomplish the purposes established by P.L. 104-193 (42 U.S.C. 601(a)(1)), which are to:

    a. Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

    b. End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

    c. Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and

    d. Encourage the formation and maintenance of two-parent families.

2. In such cases where the State provides TANF assistance for previously authorized Emergency Assistance programs and purposes, pursuant to 42 U.S.C. 604(a)(2), Washington State elects September 30, 1995 as the date for use of Federal TANF funds as Parts A and F were in effect.

    Previously authorized purposes included Children's Protective Services (CPS) staff intake, investigations and emergency child placement activities; removal of a child from his or her home into publicly funded care or supervision, e.g., emergency receiving care, foster family care, crisis residential center care, and residential group care; or placement prevention assistance, as determined by the responsible state agency officials or their designee.

3. Administrative Costs

    a. The State will adhere to the 15% administrative cost limitation as specified in 42 U.S.C. 604((b).

b. The State will account for TANF administrative costs using the final rule for TANF (45 CFR Part 263).

C. FORMAT

Throughout this state plan, several citations to reference material will be used:

1. **P.L. 104-193** - The federal *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, enacted on August 22, 1996.

2. **RCW** - Revised Code of Washington (state law).

3. **WAC** – Washington Administrative Code (state regulations).

D. SUMMARY OF WASHINGTON TANF STATE PLAN SUBMISSIONS & AMENDMENTS

1. JANUARY 10, 1997

The initial Washington State Plan for the Temporary Assistance for Needy Families (TANF) program followed program rules for the Aid to Families with Dependent Children (AFDC) program and the state's Success Through Employment Program (STEP) waiver demonstration, revised to reflect new federal rules and options under federal welfare reform legislation (P.L. 104-193).

Consistent with the goals of the new federal welfare law, Washington's reform goals were to encourage personal responsibility and work opportunities for needy, low-income families receiving assistance, and reinforce the temporary nature of welfare. These goals were and will continue to be key components of welfare reform in this state. Every individual who can work needs to do his or her part to ensure their family can become and remain economically self-sufficient through employment. In the initial Washington TANF State Plan, the State committed to work with tribes, employers, local governments, the business community, labor, and educational institutions to create adequate educational and work opportunities to lift families and their children out of poverty.

The original Washington TANF State Plan was certified as complete by the federal Department of Health & Human Services and became effective on January 10, 1997.

2. JANUARY 14, 1997

The original Washington State Plan for the Temporary Assistance for Needy Families (TANF) program was amended on January 14, 1997 to reflect changes resulting from public comments made by the citizens of Washington State.

One key component of the amended Washington TANF State Plan was to document Washington's goal to ensure that victims of family violence, as defined in P. L. 104-193, receive the services they need to move from welfare to work. To that end, Washington recognized that family violence and welfare are interrelated, and that addressing this form of violence will reduce the barriers to economic self-sufficiency.

3. JUNE 9, 1997

The Department of Social and Health Services drafted amendments to the Washington TANF State Plan to reflect new state welfare reform legislation enacted on April 17, 1997. This draft amended State Plan was made available to the public for a 45-day public comment period.

WorkFirst Program implementation began on August 1, 1997, after the public comment period was completed. However, not all program elements were in place at that time. Phased implementation has allowed the State to assure a quality program that is undergoing continuous improvement based on the assessment of results. It also allows the State to reflect the values and comments of Washington State citizens in WorkFirst program design. WorkFirst was fully implemented on November 1, 1997

4. SEPTEMBER 14, 1999

On September 14, 1999, the State submitted a series of amendments to its TANF plan to the Department of Health and Human Services (DHHS), reflecting new uses of TANF funds that were approved on or before July 1, 1999, and other technical changes. These amendments were incorporated into the revised TANF State Plan as part of the biennial review. The 45-day public comment period for the biennial review began on October 13, 1999, before submission to HHS no later than December 31, 1999.

5. DECEMBER 15, 1999

The State completed a biennial review of its TANF State Plan on November 27, 1999. A renewed TANF State Plan was submitted to the Department of Health and Human Services (DHHS), in order to maintain the state's status as an eligible state for TANF block grant funding for Federal Fiscal Years 2000 and 2001, which began on October 1, 1999. The revised plan reflected new uses of TANF funds that were approved on or before July 1, 1999, technical changes, and changes resulting from public comments received as part of the biennial review. The 45-day

public comment period for the biennial review began on October 13, 1999 and ended on November 27, 1999.

6. MAY 22, 2000

The state submitted a series of amendments to its TANF plan to the Department of Health and Human Services (DHHS), reflecting public comments received during the federally-required 45-day comment period for the biennial review. A full summary of the public comments received and the state's response to those comments was published on February 7, 2000. These amendments addressed the topics of assessment, qualified alien eligibility, screening, allowable work activities, child care, school attendance by dependent children, and domestic violence.

7. JULY 25, 2000

The plan is amended to change the definition of "caretaker relative" to include court-ordered guardians or court-ordered custodians. This change is the result of state enacted legislation.

8. AUGUST 25, 2000

The plan is amended to delete references to the Re-Employ Washington Workers (RWW) program, which was phased out on June 30, 2000, and add references to the Job Success Coach Initiative, which was implemented on August 1, 2000. There were also administrative changes due to the appointment of new directors.

9. MARCH 30, 2001

The plan is amended in settlement of the *Hagen v. DSHS* lawsuit. As a result, the Department will use TANF funds for the costs of providing income assistance to children living with adults who are standing in *loco parentis*. Under Washington State law, children living with adults who stand in *loco parentis* constitute eligible families for the purpose of TANF assistance.

In addition, various sections are updated to reflect current policies and program descriptions. Specifically, the status of Washington's Electronic Benefits Transfer system is updated, the definition of Assistance Unit is revised, obsolete references to state agencies are corrected, the list of allowable work activities is corrected to conform to those legislatively mandated, and references are added to cover Legal Services funding, the TANF Early Exit Bonus, the WorkFirst Work Study program, and Middle School Care Programs.

10. NOVEMBER 30, 2001

The State completed an extensive review of its TANF State Plan. An amended TANF State Plan was submitted to the Department of Health and Human Services (DHHS). The amended plan contained the following revisions:

(a) addition of new Program Purposes & Funding Uses section to the Introduction for consolidation and expansion of TANF administrative funding requirements, addition of TANF purposes, and addition of Emergency Repatriation planning functions as allowable TANF administrative costs;

(b) additional reference to state laws used for processing and recovering overpayments has been added;

(c) the definition of an adult standing in *loco parentis* has been simplified;

(d) addition of references to the Division of Child Care & Early Learning (DCCEL) which replaced the former Office of Child Care Policy (OCCP);

(e) clarification of the target population for Middle School Care Programs;

(f) deletion of the Child Care Working Connections Education program which was never developed and implemented;

(g) addition of the Hometown Mentor Program;

(h) improved description of the Interactive Voice Response System;

(i) clarification of the Child Care Micro Loan program benefit description;

(j) revision to the Waiver section to add a current waiver status section;

(k) addition of a new description of the contracted services for middle school children which are maintained by the Division of Child Care & Early Learning (DCCEL);

(l) updates to the Administrative Section staff list; and

(m) revision to the Program Integrity section to update references to current state laws regarding fraud prevention strategies.

11. DECEMBER 23, 2002

The State completed a biennial review of its TANF State Plan on December 23, 2002. A renewed TANF State Plan was submitted to the Department of Health and Human Services (DHHS), in

order to maintain the state's status as an eligible state for TANF block grant funding for Federal Fiscal Years 2003, 2004, and 2005, which began on October 1, 2002. The revised plan reflected current uses of TANF funds, technical changes, and changes resulting from public comments received as part of the biennial review. The 45-day public comment period for the biennial review began on November 8, 2002 and ended on December 23, 2002. The reviewed plan contained the following revisions:

(a) addition of clarifying information regarding the allowable uses of TANF funds prior to implementation of TANF;

(b) deletion of references to the Consolidated Emergency Assistance Program (CEAP) since it is no longer TANF-funded;

(c) addition of Relative Support Services program which provides emergent, nonrecurring assistance to relative caregivers to ensure successful kinship placement;

(d) addition of a new, onetime exemption for WorkFirst parents with a child between four and twelve months of age;

(e) change in the income criteria to qualify for Working Connections Child Care assistance;

(f) addition of TANF time limit extension criteria;

(g) addition of new sanction policy for clients who refuse to participate in required WorkFirst activities without good cause

(h) deletion of Legal Services as a type of support services available to low-income families;

(i) changes in the names of two WorkFirst training programs: Pre-employment Training is now called Customized Job Skills Training and Families That Work is now called Family Literacy;

(j) deletion of references to the Comprehensive Program for Alcohol and Drub Abusing Women and Their Young Children which is no longer TANF-funded;

(k) deletion of the DASA Treatment Program which is no longer TANF-funded;

(l) deletion of the Middle School Care Program which ended on June 30, 2002;

(m) deletion of the Child Care Micro-Loan Program which is not TANF-funded;

(n) deletion of the Job Success Coach Initiative for which funding was exhausted;

(o) deletion of the Path Program for which funding was exhausted; and

(p) updated information regarding Tribal TANF Programs.

12. MAY 5, 2005

The State completed a review of its TANF State Plan. An amended TANF State Plan was submitted to the Department of Health and Human Services (DHHS). The amended plan contained the following revisions:

(a) deletion of references to using TANF administrative funds for Emergency Repatriation planning (formerly on page i-iii);

(b) addition of descriptive titles to benefits and services as well as changes to agency names (pages I-I, I-2, I-9, I-10, II-1, IV-2, V-1, V-2);

(c) deletion to the reference to Food Stamp benefits when describing the drug felon provisions (page I-9);

(d) revision of the TANF sanction policies and methodology for calculating penalties (page II-6);

(e) deletion of the TANF Early Exit Bonus (formerly on page II-9);

(f) deletion of the Hometown Mentor Program which ended (formerly on page II-10);

(g) deletion of the Child Support Remote Interview service (formerly on page II-10);

(h) deletion of the reference to the Department of Health's Abstinence Education Program which is no longer funded with TANF (formerly on page IV-2);

(i) clarification of the family planning services authorized under a federal waiver called TAKE CHARGE (page IV-2);

(j) deletion of references to the Office of the Superintendent of Public Instruction's Teen Aware program which is no longer TANF-funded (formerly on page IV-2);

(k) revision of the organization structure to reflect staffing changes (page V-1); and

(l) revision to the description of the number of tribes that are operating federally approved TANF programs (page V-7).

13. DECEMBER 5, 2005

The State completed a biennial review of its TANF State Plan on December 5, 2005. A renewed TANF State Plan was submitted to the Department of Health and Human Services (DHHS), in order to maintain the state's status as an eligible state for TANF block grant funding for Federal

Fiscal Years 2006, 2007, and 2008. The revised plan reflected current uses of TANF funds, technical changes, and changes resulting from public comments received as part of the biennial review. The 45-day public comment period for the biennial review began on October 7, 2005 and ended on November 21, 2005. The reviewed plan became effective October 1, 2005 and contained the following revisions:

(a) deletion of references to WPLEX, WorkFirst Post-Employment Labor Exchange, which ended on June 30, 2005 (formerly on pages I-2, I-11, II-1, and II-2);

(b) deletion of the drug felon requirements formerly in state law that required treatment as a condition of eligibility for TANF benefits which ended September 1, 2005 (formerly on pages I-8, I-9, and V-8);

(c) refinement of the employability screening and work skills assessment policy descriptions to more accurately reflect the requirements established in state laws (pages I-4 and I-5);

(d) refinement of the policy description to ensure tribal families will have equitable access to TANF assistance (page V-6) and Attachment A, Optional Certification);

(e) change references throughout the Plan from the Medical Assistance Administration (MAA) to the newly renamed Health and Recovery Services Assistance (HRSA); and

(f) deletion of the description of Parent Programs for Noncustodial Parents which are no longer being offered (formerly on page IV-5).

14. DECEMBER 27, 2006

The State completed a review of its TANF State Plan. An amended TANF State Plan was submitted to the Department of Health and Human Services (DHHS). The amended plan contained the following revisions:

(a) changing references from the Division of Child Care and Early Learning (DCCEL) to the Department of Early Learning (DEL) (page II-6);

(b) revision to the description of non-compliance sanction procedures (page II-6);

(c) addition of a description of Early Childhood Education Assistance Program (ECEAP) which is a state-funded MOE program (page II-10);

(d) addition of a description of the State Needs Grant (SNG) program which is a state-funded MOE program (page IV-2); and

(e) renaming the Division of Child Care and Early Learning (DCCEL) to the Department of Early Learning (DEL) and identifying the new director (page V-1).

15. DECEMBER 21, 2007

The State completed a review of its TANF State Plan. An amended TANF State Plan was submitted to the Department of Health and Human Services (DHHS). The amended plan contained the following revisions:

(a) addition of a description of the WorkFirst Career Services Program, which became operational on July 1, 2007, and is a separate state program that is used to meet the state's MOE requirement (page II-8);

(b) updating the list of agency contacts (page V-1); and

(c) updating the website address for the TANF State Plan (page V-10).

16. OCTOBER 21, 2008

The State completed a biennial review of its TANF State Plan on October 9, 2008. A renewed TANF State Plan was submitted to the Department of Health and Human Services (DHHS), in order to maintain the state's status as an eligible state for TANF block grant funding for Federal Fiscal Years 2009, 2010, and 2011. The revised plan reflected current uses of TANF funds, technical changes, and changes resulting from public comments received as part of the biennial review. The 45-day public comment period for the biennial review began on August 25, 2008 and ended on October 9, 2008. The reviewed plan became effective October 1, 2008 and contained the following revisions:

(a) a change in the definition of "infant exemption" for parents of infants under one year of age as a result of state enacted legislation (pages I-2 and II-5);

(b) elimination of the prohibition to increase cash assistance levels above the levels in effect April 17, 1997 (page I-3);

(c) a change in the definition of absent from the home from 90 to 180 days (page I-7);

(d) WorkFirst Career Services eligibility was expanded on October 1 to include families that received Diversion Cash Assistance and who are employed and working 30 or more hours per week (page II-9); and

(e) updates to the TANF program contacts (page V-1).

I. BENEFITS

A. BENEFITS

1. What benefits and services will be provided to needy families with (or expecting) children in Washington State?

Washington State provides cash benefits to all needy families who meet the eligibility criteria established by rules of the Department of Social and Health Services and in accordance with this State Plan.

a. **TANF Cash Assistance:** Washington State has replaced the Aid to Families with Dependent Children (AFDC) with WorkFirst, funded in-part under the federal Temporary Assistance to Needy Families (TANF) program. WorkFirst will be the major cash assistance program providing cash benefits and services for low-income families with (or expecting) children in Washington State. There is no legal entitlement to WorkFirst benefits. Cash aid eligibility criteria will be based on or guided by state law in Title 74 RCW and Title 388 WAC, as well as federal law (P.L. 104-193). Specifically, any disqualification stemming from minor parent requirements to stay in school and/or live in an appropriate living situation will only affect the eligibility of the minor parent and will not disqualify other members of the assistance unit (except for the adult parent of the qualifying child when that parent is found to meet the elements of Rape of a Child as set forth in state law).

b. **Diversion Cash Assistance:** The State makes available a diversion program to families who are otherwise eligible for TANF assistance. The Diversion Cash Assistance (DCA) program is designed to provide brief, emergency assistance and prevent some families in crisis from developing a dependency on WorkFirst assistance. Diversion assistance:

(1) Is available once in each 12-month period for each adult applicant,

(2) May not exceed $1,500 for each instance,

(3) May include cash or vouchers in payment for child care, housing, transportation-related expenses, food, medical costs for the recipient's immediate family, and employment-related expenses which are necessary to keep or obtain paid unsubsidized employment; and

(4) If the recipient of diversion assistance receives WorkFirst cash assistance within 12 months of receiving diversion assistance, the prorated dollar value of the diversion benefits must be treated as a loan from the State and recovered by deduction from the recipient's cash grant.

c. The State provides social services and emergency financial assistance to the following categories of families and children, in accordance with Title 388 WAC:

(1) **Additional Requirements—On-Going (AR):** WorkFirst families containing an aged, blind, or disabled member, may qualify for special need items or additional requirements under WorkFirst program rules (e.g., restaurant meals, home delivered meals, food for a guide dog or service animal, telephone, or laundry). On-going additional needs are added to the monthly TANF cash grant. (See WAC 388-255)

(2) **Additional Requirements—Emergent Need (AREN)**: WorkFirst families who experience a short-term expense caused by an emergency may qualify for additional cash assistance (e.g., to prevent eviction, obtain housing, or prevent a utility shut-off). Payment is limited to the least amount necessary to get the family through the emergency and is usually paid directly to a third party, such as the utility company. (See WAC 388-436)

(3) **Relative Support Services:** Provides short-term assistance to unlicensed relative caregivers for emergent, extraordinary costs incurred at initial or during on-going placements where the lack of services would lead to disruption in the relative placement. Assistance is not intended to meet recurrent or ongoing needs and does not extend beyond four months. Relative services can be used for such things as first and/or last month rent or utility hook-ups for relatives who must move in order to take a child into their home; or to purchase bedding, furniture, or supplies, so that a child can be placed or remain in the relative's home. The child would otherwise be TANF eligible and the funds used are federal TANF; they are not segregated funds and they are not claimed as MOE.

d. **WorkFirst Infant Exemption:** The WorkFirst exemption for parents of infants under one year of age was changed effective July 22, 2007. Parents with a child under the age of one year are exempt from WorkFirst participation requirements for up to twelve months in a lifetime. The infant exemption can be used for one, or for multiple, children up to a maximum of 12-months.

Parents choosing to use the infant exemption may:

- Be required to participate up to 20 hours per week if the comprehensive evaluation or assessment indicates a need for mental health and/or chemical dependency treatment, or
- Participate in the WorkFirst program on a voluntary basis if there are no identified mental health and/or chemical dependency issues, or
- Choose to not participate in WorkFirst activities for a set period of time or until the child turns one year of age if there are no identified mental health and/or chemical dependency issues.

Parents who have already claimed the infant exemption for a maximum of 365 days can request an additional 12-week postpartum exemption period (84 days) if they have another child. A parent can participate in the WorkFirst program on a voluntary basis during this

period if there are no identified mental health and/or chemical dependency issues. If the comprehensive evaluation or other assessment(s) indicates a need for mental health and/or alcohol or drug treatment, the parent will be required to participate up to 20 hours per week.

e. **WorkFirst Program:** The WorkFirst program offers services and activities to help people in low-income families find jobs, keep their jobs, find better jobs, and become self-sufficient. Low-income families are those with income below 175 percent of the Federal Poverty Level (200 percent for Working Connections Child Care). The program links families to a variety of state, federal, and community resources to meet this goal. Examples include:

(1) Child support collection.

(2) Food Stamps and non-ABAWD job search and retention services.

(3) Working Connections Child Care.

(4) Medical Assistance.

(5) Tuition assistance from the community and technical colleges.

(6) WorkFirst support services.

2. What standards will Washington State use to determine eligibility?

The State determines eligibility and amount of benefits based on statewide uniform need and payment standards set forth in state law and administrative code (Title 74 RCW and Title 388 WAC) and within guidelines set by federal law. The State establishes consolidated standards of assistance each fiscal year that may vary by geographical areas, program, and family size. The State may also establish grant minimums, ratable reductions, or a separate standard for families with shelter provided at no cost.

To be eligible for TANF cash assistance, a family must be in financial need, as follows:

a. The family's payment level (See WAC 388-478-0020), as adjusted for the maximum grant limitations plus authorized additional requirements, exceeds the amount of the family's nonexempt recurrent and nonrecurrent income; and

b. The family's total nonexempt resources are below the TANF resource standard (See WAC 388-470-0005).

3. How often will Washington State issue benefits?

The State issues monthly cash assistance grants under WorkFirst.

4. How will Washington State treat families moving into the State from another State?

Families from other states receive the same benefits as other Washington state residents.

5. Will benefits be issued as direct cash assistance, vouchers, or other?

The State issues the bulk of WorkFirst benefits as direct cash assistance to the WorkFirst household or payee. Under some circumstances, the State authorizes vendor payments from the WorkFirst grant or as an emergency diversion or special need item payment.

6. Will an electronic benefits transfer system be utilized?

As of November 1999, Washington State has completed implementing Electronic Benefits Transfer (EBT) statewide. Food Assistance and most cash assistance benefits are issued on the EBT QUEST card. Electronic Funds Transfer (EFT), implemented May 2000, is available statewide to all eligible cash assistance clients with a checking or savings account.

7. What methods and processes for recovering overpayments and correcting under payments to WorkFirst beneficiaries will be used in Washington State?

The State complies with guidelines set forth in state law and regulation (Titles 43 and 74 RCW and Title 388 WAC) to establish overpayment and underpayment methods and processes under WorkFirst.

B. APPLICATION PROCESS

1. How will needy families with (or expecting) children gain access to benefits and services?

The State uses a single, joint application for all cash benefit programs, food stamps, food assistance, and medical assistance programs.

2. What will be the time frames for processing applications for assistance in the State of Washington?

The State continues its 30-day application processing time frames under WorkFirst.

3. For what period will benefits be authorized before eligibility must be reestablished?

WorkFirst benefits under TANF continue regularly to all eligible individuals until a determination of ineligibility is made. The State will review eligibility for cash benefits at least every six months.

4. How will the initial assessment of the skills, work experience, and employability of each adult recipient be completed?

The State will follow the employability screening and work skills assessment policies and procedures established under state law and regulation (Title 74 RCW and Title 388 WAC).

a. Each WorkFirst recipient receives an employability screening after determination of program eligibility and before referral to job search for exempt status and for factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment.

b. Each WorkFirst recipient will receive a work skills assessment upon referral to a job search component.

c. The work skills assessment will include but not be limited to education, employment strengths, job skills, and employment history.

d. As part of the employability screening, the State, prior to the development of an individual responsibility plan, evaluates employability based upon the presence of family violence in the individual's life and other factors that may be relevant to the success of the individual in achieving the goals of WorkFirst.

e. The employability screening is performed by the State or by a contracted entity and is based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

5. Will Washington State require Individual Responsibility Plans?

As required by state law and based on the evaluation above, the State and the WorkFirst recipient will prepare an Individual Responsibility Plan that:

a. Sets forth an employment goal and a plan for moving the recipient immediately into employment.

b. Contains the obligation of the recipient to become and remain employed.

c. Moves the recipient immediately into whatever employment the recipient is capable of handling as quickly as possible.

d. Describes the services available to the recipient to enable the recipient to obtain and keep employment.

The Individual Responsibility Plan is updated throughout a recipient's participation.

C. ASSISTANCE UNIT

1. How will Washington State define the assistance unit for benefits and services?

The State has established WorkFirst assistance unit rules which are consistent with state and federal law. According to WAC 388-408-0005, *What is a cash assistance unit?*, an assistance unit is the group of people who live together and whose income or resources are counted in order to determine eligibility and benefit amount. When the State determines which persons to include in the assistance unit, it considers household members for whose support the WorkFirst client is legally responsible and categorical program requirements.

2. How will Washington State define "caretaker relative"?

A "caretaker relative" is:

a. A "relative of specified degree" with whom the child lives if this relative exercises responsibility for the care and control of the child. The State will define the following relatives as a "relative of specified degree": The child's parent (natural, stepparent, or adoptive) or other relative (blood, step sibling, natural parent as a non-parental relative when the parental relationship has been terminated by adoption, or stepparent when the stepparent relationship has been terminated by death, of the natural or adoptive parent, or by divorce, or by an order of the court terminating stepparent liability).

b. A court-ordered guardian, court-ordered custodian, or other adult standing in *loco parentis.*

3. What is Washington State's definition of a family? Which individuals in the home will be included as part of the family for the purposes of eligibility and determining the amount of benefits?

The State does not have a formal definition of "family". The state determines which members of any given household receive WorkFirst benefits based on its definition of "caretaker relative" and "assistance unit".

4. For the purposes of receiving assistance, how many days may a child be absent from the home in Washington State? What are the good cause exceptions?

The State provides assistance for a minor child for 180 days following the end of the month in which such child, parent, or other caretaker relative receiving assistance, leaves the home on a temporary basis.

The State allows good cause exceptions to extend the period of absence from the child's customary family setting beyond 180 days, including when the child, parent, or other caretaker relative is attending school pursuant to a plan approved by the Department, and when the extension of time is beyond the control of the parent or other custodial relative receiving assistance.

A parent or other caretaker relative must notify the Department of an absence within the five-day period that begins on the date that it reasonably becomes clear to the parent or other caretaker relative that the absence will be for a period of greater than 180 days.

The State uses current rules and good cause exceptions which allow a child to be absent for more than 180 days.

D. ELIGIBILITY, INCOME AND RESOURCES

1. What income and resource levels will be used in Washington State in determining need?

Washington provides cash benefits to all families in need who meet WorkFirst eligibility criteria, as determined by the State. In determining need, the State will consider income and resources that are actually and legally available. The State does not consider any income or resources that are excluded, exempted, or disregarded pursuant to state or federal law.

The State follows state income and resource law (Title 74 RCW) and regulations (Title 388 WAC), with the following changes required under state and federal welfare reform legislation:

- In no event may a family be eligible for TANF cash benefits if its monthly gross earned income exceeds the maximum earned income level as set by the Department of Social and Health Services. In calculating a household's gross earnings, the department shall disregard the earnings of a minor child who is a full-time student or a part-time student carrying at least half the normal school load and working fewer than 35 hours per week.

2. How will Washington State budget income?

The State budgets income consistent with state law (Title 74 RCW) and regulations (Title 388 WAC), including treatment of lump sum income as a resource instead of as income, as required under RCW 74.04.005.

3. What are the disregards that will apply to income and resources?

The State applies income and resource disregards within the guidelines established under state law (Title 74 RCW), state regulations (Title 388 WAC), and federal law, and has made the following changes based on new state and federal welfare reform legislation:

a. Personal property having great sentimental value is now exempt, as required under RCW 74.04.005.

b. In addition to their WorkFirst monthly benefit payment, a family may earn and keep one-half of its earnings during every month it is eligible to receive WorkFirst benefits.

c. The State disregards the following resources when determining TANF eligibility:

(1) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars (for applicants and recipients).

(2) A motor vehicle necessary to transport a physically disabled household member (for applicants and recipients and limited to one vehicle per physically disabled person).

(3) Savings accounts with combined balances of up to an additional three thousand dollars over and above the current one thousand dollar resource limit (for recipients only).

4. What deprivation factors will Washington State use for determining eligibility?

Deprivation is not a factor for determining eligibility.

5. What other conditions of eligibility will be used in Washington State to determine eligibility?

The State follows the conditions of eligibility set forth in state law (Title 74 RCW) and regulations (Title 388 WAC) and has also added the following TANF conditions of eligibility under state and federal welfare reform:

a. Unmarried minor parents and unmarried pregnant minor applicants must live in the most appropriate living situation as determined by the Department of Social and Health Services (either with a parent, other relative, or an alternative placement which may include other adult-supervised living situations such as placement in foster care or in a group home) to qualify for TANF benefits.

   Under state welfare reform legislation, for the purposes of minor parents' or pregnant minors' living arrangement requirements, the most appropriate living situation cannot include a living situation that includes an adult parent of the qualifying child and is found to meet the elements of Rape of a Child as set forth in state law (RCW 9A.44.079).

   State law also establishes a rebuttable presumption that minor parents require a protective payee and that the best living arrangement is with their parent.

b. All applicants under the age of 18, all unmarried minor parents, and all unmarried pregnant minors must actively progress toward the completion of high school or GED completion to qualify for TANF benefits.

c. As required by P. L. 104-193, the State imposes a ten-year disqualification period for those who have been convicted of receiving TANF benefits from two states for the same time period and denies benefits to persons identified as fugitive felons or probation or parole violators.

d. As required by state law, the State denies TANF assistance to individuals convicted of welfare fraud, as required under RCW 74.08.290. (See also Section V., subsection D. - Program Integrity.)

6. What criteria for covering pregnant women with no other minor children will be used in Washington State?

Washington will provide TANF benefits to pregnant women, with no other minor children, and who are otherwise eligible.

7. Has Washington State passed legislation to allow benefits to be given to an individual who is convicted of possession, use, or distribution of a controlled substance?

The State enacted Engrossed Second Substitute Senate Bill 5213 during the 2005 Regular Legislative Session to opt-out of the denial of assistance and benefits for certain drug-related convictions provisions of 21 USC 862a. Effective September 1, 2005, Washington provides TANF benefits to applicants with a felony conviction which occurred after August 21, 1996, involving drug use or possession.

8. Will Washington State provide benefits to individuals who are not citizens of the United States? If so, which individuals under what circumstances?

a. For qualified alien families:

The State exercises its option to provide federally-funded TANF, Medicaid, and social services block grant (SSBG) benefits to qualified alien families who are eligible to receive these benefits. The State provides State Family Assistance (state-funded WorkFirst cash and medical benefits) to those individuals in families who do not qualify for federally-funded assistance, including children and pregnant women.

The State follows federal sponsor deeming rules for qualified alien families receiving federally-funded benefits. The income and resources of the sponsors for families receiving state-funded assistance will be deemed for up to five years in accordance with state law.

b. For disabled legal immigrants who lose benefits under the supplemental security income program as a result of federal welfare reform legislation:

The State immediately provides General Assistance—Unemployable cash and medical benefits and redetermines income and resource eligibility at least annually. The income and resources of these immigrants' sponsors will be deemed for up to five years in accordance with state law. This state-funded assistance to disabled adults is not claimed to meet MOE requirements.

c. For legal immigrants who lose food stamp benefits as a result of their immigrant status under federal welfare reform legislation:

The separate State program, Food Assistance Program (FAP) for Legal Immigrants, provides food assistance benefits, following exactly all other rules of the federal food stamp program. Food assistance benefits will be provided using the federal food stamp program Electronic Benefit Transfer (EBT) system. The income and resources of these immigrants' sponsors will be deemed for up to five years in accordance with state law.

The State also makes an affirmative effort to identify and proactively contact legal immigrants receiving public assistance to facilitate their applications for naturalization. The Department of Social and Health Services will report annually (by December 15) to the legislature regarding the progress and barriers of the immigrant naturalization facilitation effort.

E. TIME LIMITS

1. Will Washington State impose any time limits of less than 60 months for TANF receipt?

Washington State will not impose any time limits of less than 60 months for the WorkFirst program.

2. What criteria will be used for extending families beyond the time limit due to hardship or family violence (as defined under P. L. 104-193)?

The State may extend assistance to a WorkFirst recipient and the recipient's family beyond the 60-month limit on TANF receipt by reason of hardship or if the recipient meets the family violence options of 42 U.S.C. 608(a)(7).

3. What criteria will be used to determine which families, if any, will be exempted from the time limits?

As required by state law, the State will not exempt a recipient and his or her family from time limits until after the recipient has received 52 months of WorkFirst assistance. After 60 months of TANF benefit receipt, the State will authorize time limit extensions for families who fall into the three categories listed below. These time limit extensions will be reviewed every three to 12 months, and re-authorized for families who continue to meet the time limit extension criteria.

a. Families with adults who cannot or should not be expected to work will continue to receive assistance. These include parents with chronic and severe disabilities, older adults with custody of children, and people caring in their homes for a disabled child or family member. These parents are not required to participate in WorkFirst employment activities, but they may do so if they choose.

b. Families with adults who continue to abide by WorkFirst rules requiring them to prepare for work and seek jobs will have their benefits extended as long as they continue that effort. WorkFirst staff will regularly review cases receiving extensions to ensure that the families and the state are doing all they can to move the family off of welfare.

c. Families with adults who have received assistance for five years, but refuse to participate in the WorkFirst program even though they are able to do so, will only qualify for Child SafetyNet payments. These payments will go to a contracted third party who will assure that the funds are used to meet the basic needs of children in the family.

4. How will Washington State ensure that the number of families exempted does not exceed 20 percent of the WorkFirst caseload?

The State will use the average monthly caseload of the prior federal fiscal year as the basis to ensure that the number of exemptions do not exceed 20 percent of the WorkFirst caseload

receiving assistance before any families receiving assistance are qualified to receive time limit extensions.

5. What benefits and services, if any, will be provided to nonexempt families that reach the time limit?

Since time limits apply only to TANF assistance, a number of TANF-funded services (defined as "non-assistance") will be available to clients who have exhausted their cash benefits.

F. CLAIMING TRANSFERS TO TRIBAL TANF AS MOE

Under RCW 74.08A.040, the Department shall transfer state funds to Tribal TANF programs that are approved by the federal Department of Health and Human Services. For purposes of claiming state funds granted to Tribal TANF grantees as maintenance-of-effort (MOE), Washington state will adopt the eligibility of any such Tribal TANF programs as its own eligibility.

G. CASE MANAGEMENT, EMPLOYMENT, AND SUPPORTIVE SERVICES

Washington state will provide a range of services to needy families who are former TANF recipients or have income under 175 percent of the Federal Poverty Level. These services will fall within the exclusion from the definition of "assistance," as provided in the TANF Final Rule at 45 CFR 260.31(b). Former TANF recipients retain eligibility for 6 months after termination of TANF cash assistance.

II. EMPLOYMENT SERVICES

A. GOALS AND STRATEGIES

1. What are Washington's overall goals for work and self-sufficiency and the State's strategy for ensuring that the program will promote work and enable families to become self-sufficient?

The WorkFirst Program is focused on obtaining paid, unsubsidized employment for all recipients. In addition, WorkFirst is dedicated to assisting families up and out of poverty once they become employed by providing employment retention and wage progression services. In operating the WorkFirst Program, the State will:

a. Provide program orientation and up-front employability screening for participants prior to referral to job search. Participants also receive ongoing screening and, as appropriate, assessment during participation.

b. Require WorkFirst clients to participate in an initial job search component as one method to determine his or her employability. If the WorkFirst client fails to find paid employment by the end of this initial job search component, he or she will be referred for an assessment and an updated Individual Responsibility Plan.

c. Reassign participants who do not find work during job search to additional job search activities for a short length of time, or to paid work experience or subsidized employment positions, or other work-like activities. Intensive services will be provided to those who have issues that need addressing to make them employable.

d. Provide post-employment services to assist clients in remaining employed, and to progress in skills and wages. Educational opportunities will be provided in the context of learning while working, both in classroom settings and on the work-site. Job retention services will be available through contractual agreements statewide. Skill progression through education will be available for low-income working students, including tuition assistance and child care.

e. Encourage a new alliance of state, local, and tribal government, business, churches, nonprofit organizations, and individuals, who dedicate themselves to helping families in poverty overcome barriers, and obtain support, direction, and encouragement. Specific measures mandated under state welfare reform legislation include:

   (1) The Department of Community, Trade and Economic Development (in coordination with the WorkForce Training and Education Coordinating Board, the State Board for Community and Technical Colleges, the Employment Security Department and the Department of Social and Health Services) provides entrepreneurial assistance and identifies skill sets needed by companies locating in the state and provides information about these companies' skills and training needs.

This entrepreneurial assistance and skill set information will be shared with WorkFirst clients and their service providers to ensure that training and placement programs are designed to respond accordingly and WorkFirst clients are included in relevant training that would make them good employees for firms locating in the state.

(2) The State encourages WorkFirst clients who are in need of basic skills to seek out programs that integrate basic skills training with occupational training and workplace experience. The State Board for Community and Technical Colleges oversees the provision of training for WorkFirst clients and low-wage workers to help them get better jobs and develop skills necessary for further advancement.

(3) The Office of the Superintendent of Public Instruction provides technical assistance to ensure that school districts establish outreach efforts for out-of-school youth who are not engaged in preparation for postsecondary education, training, or employment – and include these youth in school-to-work transition programs, within available funds.

(4) The State will create a business outreach initiative to engage employers of all sizes in an effort to increase workplace opportunities for WorkFirst clients.

2. What models did Washington use in developing the State's goals and strategy for promoting work and self-sufficiency?

The State used various welfare-to-work models, including models focused on moving job ready individuals into work as rapidly as possible, and providing employment-related training that is expected to lead directly to work for those lacking work skills. Other elements of Washington's programs were derived from programs designed to reduce teen pregnancy and to keep teens in school.

Since an important principle of WorkFirst is rapid labor market attachment, re-employment services are another key program element.

3. What are the State's numerical (and other) goals for participation in work activities and for placements?

In operating the WorkFirst program, the State uses the work participation rates specified in federal welfare reform legislation (P. L. 104-193) as its work participation goal. However, the state, to the extent possible, will use the work participation rates as a minimum standard and will work toward exceeding these goals. Washington has established program goals around reduced caseloads and wage progression efforts with the expectation that low-income families will be lifted up and out of poverty through employment, and Washington WorkFirst is designed to meet that expectation. To the degree possible, all low-income families will have access to services that will help them gain in work skills and earn enough to become financially stable.

B. WORK ACTIVITIES

1. What work activities does the State include in its definition of work?

a. The State includes the following activities in its definition of work:

(1) Unsubsidized paid employment in the private or public sector.

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed 24 months.

(3) Work experience, including:

(a) an internship or practicum (paid or unpaid) required to complete a course of vocational training or to obtain a license or certificate in a high demand field, as determined by the Employment Security Department, not to exceed 12 months; or

(b) work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available.

(4) On-the-job training.

(5) Job search and job readiness assistance.

(6) WorkFirst community service program.

(7) Vocational educational training, not to exceed 12 months with respect to any individual.

(8) Job skills training directly related to employment.

(9) Education directly related to employment, in the case of a WorkFirst recipient who has not received a high school diploma or a GED.

(10) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a WorkFirst recipient who has not completed secondary school or received such a certificate.

(11) The provision of child care services to an individual who is participating in a community service program.

(12) Internships, paid or unpaid work experience, performed by an intern in a business, industry, government, or nongovernmental agency setting.

(13) Practicums which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge.

(14) Participation in departmental or other state agency programs for persons requiring specialized assistance to become employable, to the extent the program is countable as federal work participation activities under (1) through (13) above.

(15) Participation in post-employment activities: employment retention, and wage skill progression services, to the extent the activity is countable as federal work participation activities under (1) through (13) above.

b. The State continues to assure that participants in these work activities receive labor protections available to other workers, as applicable:

(1) State and local health and safety standards.

(2) Industrial insurance coverage pursuant to Title 51 RCW.

(3) Unemployment compensation coverage pursuant to Title 50 RCW.

(4) Applicable state and federal minimum wage protections.

c. For work activities where an employer-employee relationship is created (such as work experience and community service), the maximum number of hours will comply with state and federal minimum wage laws.

d. In consultation with the WorkFirst recipient, the State or WorkFirst contractor will place the recipient into a work activity that is available in the local area where the recipient resides.

C. WORK AND PARTICIPATION REQUIREMENTS

1. What criteria will Washington State use to determine whether a parent or caretaker relative is ready to engage in work before 24 months?

The State requires all nonexempt WorkFirst clients to be screened upon application and then enter into an initial work search or take whatever actions necessary in order to engage in the initial work search.

2. Will the State require community service employment for parents or caretaker relatives who are not exempt and not engaged in work and who have received assistance for two months?

Washington will not exercise its option to apply this provision as stated in the letter to former DHHS Secretary Donna Shalala from former Governor Mike Lowry dated January 10, 1997. This letter was included as Attachment A of the Washington TANF State Plan dated January 10, 1997.

3. How does the State define "satisfactory school attendance" for teen heads of households who attend secondary school or education directly related to employment?

The State will determine that a teen head of household is meeting attendance requirements if the teen is actively progressing toward high school or GED completion, as defined by the educational institution.

4. Does the State exempt single custodial parents who care for children under 12 months of age?

The State exempted a WorkFirst client from work and work activities if the recipient was a parent with a child under the age of one year until June 30, 1999. After June 30, 1999, this exemption applies only to a parent with a child under three months of age. Effective June 13, 2002, WorkFirst participants with a child between four and 12 months old are allowed a one-time exemption from full-time participation. This exemption is for one child only and one parent only. The exempt parent will be required to participate up to 20 hours per week in parenting classes, training, or voluntary job search/work activities. On July 22, 2007, this exemption was modified to eliminate the one-time 20 hour per week participation requirement. A parent with a child between four and 12 months of age now has a 12-month lifetime exemption. Under the revised policy, parents exercising this exemption could be required to participate up to 20 hours per week if the comprehensive evaluation or assessment indicates a need for mental health and/or chemical dependency treatment. This exemption can be used for multiple children for a maximum of 12 months in a lifetime.

5. What criteria has the State established relative to a single custodial parent's "demonstrated inability" to obtain needed child care?

a. The State recognizes that informed choice is consistent with individual responsibility and that parents should be given a range of options for available child care while participating in the WorkFirst Program. Criteria established for "demonstrated inability" to obtain needed child care include:

   (1) Is not affordable (costs more that the co-payment would under the Working Connections Childcare Program).

(2) Is not appropriate (not licensed, certified or approved under federal, state, or tribal law and regulations for the type of care used or there is no appropriate relative or in-home provider available).

(3) Is not within a reasonable distance (within reach without traveling farther than is normally expected in the community).

b. In order to comply with federal TANF requirements, the State is committed to provide appropriate and affordable child care for WorkFirst recipients within available funds.

To accomplish this:

(1) The Division of Early Learning (DEL) oversees child care provider recruitment and training programs. Programs include training for WorkFirst recipients who are not employed or participating in a WorkFirst work activity—allowing these recipients to volunteer or work in a licensed child care facility. Licensed child care facilities participating in this effort will provide care for the recipient's children and provide for the development of positive child care skills.

(2) DEL also supports local child care resource and referral organizations and requires these organizations to serve WorkFirst recipients and working parents with incomes at or below 200 percent of the Federal Poverty Level.

D. PENALTIES ON INDIVIDUALS

1. What are the State's sanction criteria and methodology for calculating penalties for individuals who refuse to engage in work or who fail to comply with the Individual Responsibility Plan?

If a WorkFirst individual refuses to engage in work and work activities required by the State, the State will apply a penalty.

The family's grant is reduced by 40 percent or the non-compliant person's share, whichever is more. The family's grant is terminated after 6 months of noncompliance.

2. What are the State's good cause and other exceptions from the work requirements?

The State waives the sanction for failure to participate in WorkFirst work requirements, subject to a finding that the recipient refused to engage in work and work activities for good cause. The criteria to determine good cause are described in WAC 388-310-1600. In addition, specific

exemptions in state law for participation in WorkFirst work requirements include situations where:

a. The recipient is the parent (or other relative) personally providing care for a child under the age of six years; and

b. Formal or informal child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for an individual to participate or continue participation in the program or accept employment; and

c. Such care is not available (and the department fails to provide such care).

3. Will the State impose a sanction on a family that includes an adult if such adult fails to ensure that the minor dependent children attend school? If yes, what are the State's criteria and methodology for imposing a sanction on the family?

Dependent children (16 and 17 years of age) are required to be in school if they do not already possess a high school diploma or GED certification. Those children who fail or refuse to meet this requirement will be sanctioned.

4. Will the State impose a sanction on a family that includes an adult who is older than 20 and younger than 51, if the adult does not have and is not working toward a high school diploma or equivalency diploma unless exempt?

The State imposes sanctions on adults who are not participating as required in the activities included on the person's Individual Responsibility Plan. If high school completion or GED is such an activity, the State may impose a sanction on the individual if they fail to pursue the activity.

E. GRIEVANCE PROCEDURES & WORKER PROTECTION FOR REGULAR EMPLOYEES

1. What is the State's grievance procedure for resolving complaints by regular employees regarding alleged violations of the requirement regarding filling vacancies?

The State uses the fair hearing process and established grievance procedures and employment protections for regular employees, following state and federal guidelines.

2. How will the State prevent displacement of regular employees?

The State uses the fair hearing process and established grievance procedures which provide for prevention of displacement of regular employees, following state and federal guidelines.

3. How will the State ensure that all regular workers continue to receive the full range wage and hours and other labor protections?

The State uses the fair hearing process and established grievance procedures which provide for wages and hours protection, following state and federal guidelines.

F. COMMUNITY WORK OBLIGATIONS OF NON-CUSTODIAL PARENTS

The State will not exercise its option to require noncustodial, non-supporting minor parents to fulfill community work obligations and attend appropriate parenting or money management classes after school under TANF at this time.

However, under state welfare reform legislation, the State may provide WorkFirst services or make cross-referrals to existing programs to qualifying noncustodial parents of children receiving WorkFirst benefits if these parents are unable to meet their child support obligations. Services will be provided within available funds.

G. SUPPORT SERVICES

1. Support Services

The State provides support services when individuals receive Diversion Cash Assistance and are enrolled in Career Services, WorkFirst services, and after they become independent of WorkFirst due to employment, with limits on the amount and type of available support services as set forth in WAC 388-310-0800. Examples include work clothing, work tools, car repair, and transportation. These services are designed to help individuals keep their jobs or get better jobs.

2. Child Care Assistance

In addition to support services, and within available funds, the State administers a single, integrated child care assistance program, Working Connections Child Care, which may serve families with incomes up to 200 percent of the Federal Poverty Level and includes WorkFirst recipients while they are participating in work or work activities.

3. WorkFirst Career Services

Benefit: The WorkFirst Career Services program provides wage progression services, job retention services and basic needs payments to families who leave TANF or families who receive Diversion Cash Assistance, and are working. Services include employment planning that will help families remain employed and increase wages. Cash payments and bonuses are made monthly, for up to six consecutive months after leaving TANF or receipt of the DCA payment. This is a separate state program.

Eligibility: Former TANF recipients and Diversion Cash Assistance recipients working at least 30 hours per week, for up to 6 months after leaving TANF or receipt of the DCA payment.

H. INCENTIVES

1. Individual Development Accounts

The State may carry out a program to allow for Individual Development Accounts established by WorkFirst recipients, following the guidelines established under state and federal law.

I. TRAINING

1. Customized Job Skills Training

Benefit: Training customized by the community or technical college to meet the needs of a particular employer or group of employers. It enables TANF and other low-income parents to develop the skills needed to get a better first job and gives them priority in hiring.

Eligibility: TANF recipients, former TANF recipients for up to 24 months post-TANF, and other parents with income up to 175 percent of the Federal Poverty Level.

2. Workplace Basic Skills

Benefit: Training at a worksite, customized to meet employer needs, and aimed at helping low-wage workers retain their present job and develop long-term attachment to the workforce.

Eligibility: TANF recipients, former TANF recipients for up to 24 months post-TANF, and other parents with income up to 175 percent of the Federal Poverty Level.

3. Work-Based Learning Tuition Assistance

Benefit: Makes employment-oriented training opportunities at community and technical colleges available to working parents who are not eligible for other forms of financial aid.

Eligibility: TANF recipients, former TANF recipients for up to 24 months post-TANF, and other parents with incomes up to 175 percent of the Federal Poverty Level.

4. Family Literacy

Benefit: College program that helps develop literacy, parenting and workplace skills. It is targeted at pregnant women, parents of infants, teen parents, and others who are in earliest stages of focusing on work.

Eligibility: TANF recipients, former TANF recipients for up to 24 months post-TANF, and other parents with incomes up to 175 percent of the Federal Poverty Level.

5. Community Jobs

Benefit: Provides subsidized public and non-profit sector employment for hard-to-employ TANF recipients, with concurrent training to develop work skills.

Eligibility: TANF recipients only.

6. WorkFirst Work Study

Benefit: Combines work and classroom learning experiences for WorkFirst students to increase education levels, job skills, and retention for most participants. Students receive a maximum of 4 quarters of Work Study.

Eligibility: TANF recipients who don't qualify for federal or state Work Study.

J. SPECIALIZED SERVICES

1. Parent Child-Assistance Program

Benefit: Provides client advocacy to facilitate use of community resources directed at poverty and substance abuse issues in selected geographic areas. Services include family planning, family violence, mental health, parenting, and chemical dependency treatment.

Eligibility: Participants eligible for entry with income up to 200 percent of the Federal Poverty Level, and remain eligible for three years.

2. Children with Special Needs

Benefit: Provides for in-home evaluation by a Public Health Nurse of a TANF recipient's children who have special needs, in order to make recommendations about a parent's ability to participate in WorkFirst and appropriate child care.

Eligibility: TANF clients only.

3. Early Childhood Education Assistance Program (ECEAP)

Benefit: A "whole child" comprehensive, family focused pre-kindergarten program designed to help children and their families in poverty to prepare for and succeed in school. Serves 3 and 4 year old children. Benefits include family support and social services, medical and dental screenings/follow-up, nutritious meals, parent education and involvement. Services are individualized for families and children. Programs assist families with links to social services and resources to get jobs, childcare, and housing.

Eligibility: Families with income up to 110 percent of the Federal Poverty Level.

K. ACCESSIBILITY

1. Interactive Voice Response (IVR) System

Benefit: "The Answer Phone" is a statewide automated interactive voice response system designed to answer frequently asked, case specific questions from clients, on a 24-hour-a-day, 7-days-a-week basis.

Eligibility: TANF clients only.

L. SERVICES FOR APPLICANTS

1. Same Day Job Search Services for TANF Applicants

Benefit: Provides "fast track" job search and employment-related support services for TANF applicants with potential for immediate employment or re-employment.

Eligibility: TANF applicants only.

III. WAIVERS

A. WAIVER HISTORY

1. **Success Through Employment Program (STEP):** On September 29, 1995, the federal Department of Health and Human Services approved two waivers requested by the State to AFDC program rules under section 1115 of the Social Security Act. The Success Through Employment Program, or STEP, was the resulting ten-year, statewide demonstration project which was scheduled to end December 31, 2005. STEP was designed to encourage family unity and to increase labor market participation of WorkFirst families.

   a. **Waiver #1—Elimination of the 100-Hour Rule:** The first waiver allowed the State to permanently eliminate the 100-hour rule for AFDC-UP recipient families. Under P. L. 104-193 a waiver is no longer required to eliminate this rule permanently.

   b. **Waiver #2—48 of 60-Month Time Limit:** Except for child-only or exempt cases, this waiver allowed the State to reduce TANF grant benefits by an amount equal to ten percent of the assistance unit's payment standard to any assistance unit in which an adult received AFDC or TANF grant benefits for 48 months in any 60-month period beginning on or after January 1, 1996. Receipt of AFDC grant benefits that occurred before January 1, 1996 would not have been counted in determining whether a length-of-stay grant reduction should be imposed.

2. **Waivers No Longer in Effect**

   a. **Waiver #1—Elimination of the 100-Hour Rule:** The 100-hour rule for recipient families was temporarily eliminated through a State Plan amendment on February 1, 1996 pending permanent elimination of the rule through STEP's 100-hour rule waiver. Since a waiver is no longer required to permanently eliminate the 100-hour rule under P. L. 104-193, the 100-hour rule waiver is now inoperative.

   b. **Waiver #2—48 of 60-Month Time Limit:** State welfare reform legislation enacted on April 17, 1997 repealed the 48 of 60-month provision. Thereafter, the State discontinued the STEP waiver in its entirety when the legislation took effect on August 1, 1997.

B. CURRENT WAIVER STATUS

Washington State does not currently have any operational waivers in effect.

IV. STRENGTHENING FAMILIES

A. CERTIFICATIONS

Attachment A is written certification by Governor Christine O. Gregoire that during the fiscal year the State will:

1. Operate a child support enforcement program under the State Plan approved under Part IV-D of the Social Security Act.

2. Operate a foster care and adoption assistance program under the State Plan approved under part IV-E of the Social Security Act, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under Title XIX.

3. Establish and enforce standards and procedures to ensure that the State will screen for and identify WorkFirst clients with a history of family violence as defined under P. L. 104-193 (while maintaining confidentiality), refer such individuals to counseling and supportive services and waive some requirements, such as time limit, work participation, and child support cooperation, in cases where compliance with such requirements would make it more difficult for clients to escape family violence or unfairly penalize clients.

4. Provide each member of an Indian tribe domiciled in the State, who is not eligible for assistance under a tribal family assistance plan approved under 42 U.S.C. 612 with equitable access to TANF assistance.

B. OUT-OF-WEDLOCK PREGNANCY PREVENTION GOALS

1. What are the State's goals, programs, and initiatives developed to prevent or reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies?

a. Under state welfare reform legislation, the director of the Office of Financial Management (OFM) is directed to establish an interagency task force on unintended pregnancy in order to:

(1) Review existing research on the short and long-range costs;

(2) Analyze the impact on the WorkFirst program; and

(3) Develop and implement a state strategy to reduce unintended pregnancy.

b. The Department of Social and Health Services (DSHS), Health and Recovery Services Administration (HRSA), Department of Health (DOH), Office of the Superintendent of Public Instruction (OSPI) and other state programs will establish goals and continue to take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies. The numerical goal for reducing the illegitimacy ratio of the state has been established 1% per year for federal Fiscal Years 2006, 2007, and 2008.

c. Through a federal waiver, called TAKE CHARGE, the State has extended eligibility for family planning services to citizen women up to 185% of the federal poverty level for a year after their pregnancy ends and pre-pregnancy family planning services to women and men with family incomes up to and including 200% of the federal poverty level. Non-citizen women with Medicaid coverage for the birth of a child receive state-funded family planning services for 1 year after the end of their pregnancy. These women are NOT eligible for family planning services under the federally-approved family planning waiver. Non-Medicaid, low-income men and women can also receive family planning services through DOH Title X-funded family planning clinics.

d. The State Need Grant program helps the state's lowest income undergraduate students pursue degrees, refine skills, and retrain for new careers. These educational activities enhance job skills, assist in the achievement of self-sufficiency, and provide needed skills necessary to find employment. These activities also provide valuable skills which lead to responsible life choices with regard to marriage and child birth. These choices can result in fewer unintended pregnancies as well as out-of-wedlock births. This program supports TANF purpose 3, to prevent or reduce the incidence of out-of-wedlock births.

2. What collaborative activities are in effect with State and local law enforcement officials, the education system, and relevant counseling services?

a. Collaborative efforts between the Department of Social and Health Services/Health and Recovery Services Administration (DSHS/HRSA), the Department of Health (DOH), and the Office of the Superintendent of Public Instruction (OSPI) toward reducing unintended pregnancy are designed to affect out-of-wedlock births and teen pregnancy prevention. The DSHS/HRSA efforts focus on providing family planning information, education and services in local Community Service Offices (CSO) statewide. The State has increased access to family planning services and birth control methods through the co-location of family planning clinics in several of the CSOs, and has established a toll free family planning information hotline. A statewide educational campaign to raise awareness of the availability of birth control methods has been developed.

b. State agencies with programs that target unintended pregnancy prevention establish linkages and share information through an Interagency Workgroup on Unintended Pregnancy Prevention.

c. A critical component of each program is ongoing evaluation designed to assure each program's effectiveness in meeting its goals. DSHS/HRSA is conducting an evaluation of the impact of the extended family planning services to the expansion group women which will include a qualitative research component that looks at the role community attitudes, perceptions, feelings, and values play in the availability and use of family planning services and birth control methods. Each of DOH's teen pregnancy prevention interventions are being rigorously evaluated for the impact of its primary intervention. Such evaluation and research will be crucial in targeting programs to change behavior and prevent unintended pregnancy, including reducing out-of-wedlock births.

C. STATUTORY RAPE EDUCATION PROGRAM

How will the State conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape?

In conjunction with the Washington State Association of Prosecuting Attorneys, through the WAPA/State Judicial Case Processing Task Force, the state has developed mandatory reporting protocol for child support cases meeting the criteria for statutory rape.

The state has linkages with an Interagency Workgroup on Unintended Pregnancy Prevention to review current outreach programs for men and women which deal with teen pregnancy, and make recommendations concerning the incorporation of appropriate education about the crime of Rape of a Child.

Under state welfare reform legislation, for the purposes of minor parents' or pregnant minors' living arrangement requirements, the most appropriate living situation cannot include a living situation including an adult parent of the qualifying child and is found to meet the elements of Rape of a Child as set forth in state law (RCW 9A.44.079).

D. FAMILY VIOLENCE

1. **How will the State screen and identify individuals with a history of family violence, and refer them to counseling and supportive services?**

   The State elects to adopt the Family Violence option established in 42 U.S.C. 608(a)(7). (See also Attachment A: Required Certifications from the Chief Executive Officer of the State—Optional Domestic Violence Certification.) The State established standards and a screen tool for

screening and identifying individuals with a history of family violence and for referring such individuals for counseling and supportive services. If good cause is determined, cooperation with child support and participation in welfare-to-work activities are waived if cooperation or participation would make it more difficult for individuals receiving assistance to escape family violence or unfairly penalize victims or persons at risk of becoming victims of family violence.

For the purposes of Washington State's WorkFirst program, an individual with a history of family violence shall be defined as an individual who has been battered or subjected to extreme cruelty or an individual who has been subjected to:

a. Physical acts that resulted in, or threatened to result in, physical injury to the individual;

b. Sexual abuse;

c. Sexual activity involving a dependent child;

d. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

e. Threats of, or attempts at, physical or sexual abuse;

f. Mental abuse; or

g. Neglect or deprivation of medical care.

2. Which TANF program requirements will be waived pursuant to a good cause determination?

Consistent with the goals of state and federal welfare reform legislation, the State will screen and identify clients for the purposes of establishing time limit (after 52 months on WorkFirst) or legal immigrant sponsor deeming exemptions or to establish good cause for client non-cooperation with the Division of Child Support and good cause for non-participation in work activities (that is, excused from activities which may result in harm to the participant, as determined on a case-by-case basis).

In addition, the Department of Social and Health Services refers WorkFirst recipients who require specialized assistance due to family violence to appropriate department and community based programs, Crime victims' Programs through the Department of Community, Trade and Economic Development, the Secretary of State's Address Confidentiality Program, or through the Crime Victims' compensation Program of the Department of Labor and Industries.

Pilot sites with domestic violence counselors on-site have been established within selected Community Services Offices.

3. What constitutes good cause?

Consistent with the goals of state and federal welfare reform legislation, the State will apply criteria (as defined under the WorkFirst and child support enforcement programs) to establish good cause due to family violence. The State will waive, pursuant to a determination of good cause, program requirements including child support cooperation, sponsor deeming, time limit (after 52 months on WorkFirst), and welfare-to-work requirements that would make it more difficult for individuals receiving assistance to escape family violence or which would unfairly penalize individuals who have been victims or who are at risk of becoming victims of family violence.

4. Who completes assessments and Individual Responsibility Plans for individuals identified as victims?

DSHS staff initially screen for family violence. If a person reveals they have family violence issues they are referred to a department social worker or a community-based domestic violence agency. The social worker or domestic violence agency further assesses the situation. Department of Social and Health Services Social Workers develop the Individual Responsibility Plan based upon the recommendations of community-based domestic violence advocates for individuals identified as victims of family violence. These workers are trained in family violence. These IRPs are reviewed on a regular basis.

E. FAMILY PRESERVATION SERVICES

Consistent with the goals of state and federal welfare reform legislation, the State will offer current family preservation services to WorkFirst families and may use some TANF funding to cover such services.

V. ADMINISTRATION

A. ORGANIZATIONAL STRUCTURE

1. Which State agency will administer and supervise the program?

The Department of Social and Health Services in partnership with the Employment Security Department, the Department of Community, Trade and Economic Development, and the State Board for Community and Technical Colleges, will continue in its administrative capacity and oversight of income assistance and welfare-to-work programs designed to provide support to low-income families with (or expecting) children.

2. Which individuals will be responsible for responding to issues and questions regarding TANF?

WorkFirst (TANF) Program:	Sandy Miller, Deputy Assistant Commissioner WorkSource Operation Division Employment Security Department (ESD)
	Diane Klontz, Acting WorkFirst Managing Director Department of Community, Trade and Economic Development (DCTED)
	Marie Bruin, Policy Associate Workforce Education State Board for Community & Technical Colleges (SBCTC)
	Leo Ribas, Director Community Services Division (CSD) Department of Social and Health Services (DSHS)
TANF Eligibility Issues:	Leo Ribas, Director Community Services Division (CSD) Department of Social and Health Services (DSHS)
Child Support Enforcement:	David Stillman, Director Division of Child Support (DCS) Department of Social and Health Services (DSHS)
Service Delivery:	Leo Ribas, Director Community Services Division (CSD) Department of Social and Health Services (DSHS)
	Sandy Miller, Deputy Assistant Commissioner WorkSource Operation Division Employment Security Department (ESD)

V. ADMINISTRATION

Tribal TANF Program:	Sarah Colleen Sotomish, Administrator State Tribal Relations Unit (STRU) Department of Social and Health Services (DSHS)
Non-TANF Funded Programs:	Leo Ribas, Director Community Services Division (CSD) Department of Social and Health Services (DSHS)
Child Care:	Jone M. Bosworth, Director Division of Early Learning (DEL)

B. PROGRAM UNIFORMITY

1. Which agency will be responsible for the supervision of the program and describe the role of the supervising agency, if the program is county (or otherwise) administered?

The Department of Social and Health Services is the single State agency responsible for administering the TANF State Plan and has the authority to make rules and regulations governing the administration of the plan, as authorized under RCW 74.04.050. The Community Services Division has responsibility to develop policy, establish procedures and deliver services under Title I of P. L. 104-193.

However, because the WorkFirst Program requires an unprecedented level of coordination among state agencies, local communities, businesses, and charitable organizations, former Governor Gary Locke designated four core state agencies to work with the Office of Financial Management in WorkFirst implementation. These agencies include the Department of Community, Trade and Economic Development, the Employment Security Department, the Department of Social and Health Services, and the State Board for Community and Technical College Education.

The core state agencies will meet as required to monitor the WorkFirst Program's performance, to ensure the cooperation and coordination of state agencies' headquarters and state-wide units, and to promote the active involvement of WorkFirst's governmental and non-governmental partners across the state.

2. Has the State instituted uniform program policies in all political subdivisions? If not, what and where are the variations?

The State has instituted, by rule, uniform program policies in all political subdivisions, including uniform TANF cash benefit standards. Pursuant to state welfare reform legislation, the

Department of Social and Health Services has established WorkFirst Local Planning Areas. The department may adapt the state-wide WorkFirst program according to plans developed for each area, but only for welfare-to-work activities. These program variations will be made to achieve the maximum effect for the participants and the communities within which they reside and in a manner that reflects community resources, local characteristics of the labor market, and the composition of the caseload. In addition, geographically limited pilot initiatives will be carried out from time to time, in order to test the effectiveness of program changes on a small scale.

a. The Secretary of the Department of Social and Health Services will establish WorkFirst Service areas. Service areas will reflect the department's regions.

b. The Secretary of the Department of Social and Health Services has final authority in service area plan approval or modification. Regional welfare-to-work program implementation may deviate from the state-wide program if specified in a service area plan, as approved by the Secretary.

c. The department, through its regional offices, will collaborate with employers, WorkFirst recipients, frontline workers, educational institutions, labor, private industry councils, the Work Force Training and Education Coordinating Board, community rehabilitation employment programs, employment and training agencies, local governments, the Employment Security Department, and community action agencies to develop work programs that are effective and work in their communities.

d. Work programs shall incorporate local volunteer citizens in their planning and implementation phases to ensure community relevance and success.

3. What procedures and agreements have been established to coordinate contracts and agreements between the State agency and other entities?

The State will follow contracting procedures as described in the Department of Social and Health Services contracts manual and state law (Chapters 43.20A, 39.29, and 39.34 RCW). In addition, as established under state welfare reform legislation:

a. It is the intent of the Washington State Governor and Legislature that the Department of Social and Health Services is authorized to engage in competitive contracting using performance-based contracts to provide all WorkFirst work activities. Accordingly:

(1) The department may use competitive performance-based contracting to select which vendors will participate in the WorkFirst program. Performance-based contracts shall be awarded based on factors that include, but are not limited to, the department's WorkFirst outcome measures, past performance of the contractor, demonstrated ability to perform the contract effectively, financial strength of the contractor, and merits of the proposal for services submitted by the contractor.

(2) These competitive contracts shall be made without regard to whether the contractor is a public or private entity.

(3) The department may contract for an evaluation of the competitive contracting practices and outcomes to be performed by an independent entity with expertise in government privatization and competitive strategies. The evaluation shall include quarterly progress reports to the fiscal committees of the legislature and to the Governor, starting at the first quarter after the effective date of the first competitive contract and ending two years after the effective date of the first competitive contract.

b. In the case of service providers that are not public agencies, initial placement bonuses of no greater than five hundred dollars may be provided by the Department of Social and Health Services for service entities responsible for placing WorkFirst recipients in an unsubsidized job for a minimum of 12 weeks. If the department opts to provide these bonuses, the following additional bonuses will also be provided:

(1) A percent of the initial bonus if the job pays double the minimum wage.

(2) A percent of the initial bonus if the job provides health care.

(3) A percent of the initial bonus if the job includes employer-provided child care needed by the WorkFirst recipient.

(4) A percent of the initial bonus if the WorkFirst recipient is continuously employed for two years.

The Department of Social and Health Services will adopt rules in accordance with existing state law and, in addition, state and federal welfare reform legislation related to services provided by charitable, religiously-affiliated, or private organizations. These rules must allow religiously-affiliated organizations to provide services to families receiving WorkFirst benefits on the same basis as any other nongovernmental provider, without impairing the religious character of such organizations and without diminishing the religious freedom of WorkFirst recipients.

C. CLIENT PROTECTIONS

1. How will case information be safeguarded? What information will be disclosed?

The State has established confidentiality rules and procedures within the guidelines provided under state (RCW 42.17.330; RCW 42.17.310(1)(a); RCW 74.04.060 and .062) and federal law. The following changes have been made in response to state and federal welfare reform legislation:

a. The State has revised confidentiality provisions that expand access to client records by law enforcement officials. Specifically, in accordance with state welfare reform legislation, the Department of Social and Health Services will disclose the current address and location of a WorkFirst recipient to an officer of the law or a person identified as a United States immigration official if the department is given the recipient's name and social security account number and the officer/official satisfactorily demonstrates that the recipient is a fugitive, that the location or apprehension of the recipient is within the officer's/official's duties, and that the request is made in the proper exercise of those duties. In addition, if the department becomes aware that a WorkFirst recipient is the subject of an outstanding warrant, the department may contact the appropriate law enforcement agency and, if the warrant is valid, provide the law enforcement agency with the location of the recipient.

b. The State will comply with federal Immigration and Naturalization Services reporting requirements, as specified in federal has (P. L. 104-193).

c. The Department of Social and Health Services will provide the Employment Security Department with the names and social security numbers of all recipients in the WorkFirst program (or any successor state welfare program). This information will be used for the purposes of statistical analysis and evaluation of the WorkFirst (or any successor state welfare) program only.

2. What is the State's notice and hearing process and criteria for appeal?

Washington will ensure applicants and recipients of assistance are notified in writing:

a. Of the decisions of the Department regarding the type and amount of benefits available to them, including an adequate and advance notice of adverse actions; the legal basis for the determination;

b. That they may request, within 90 days of such notice an administrative hearing, with due process protections, and conducted by the independent Office of Administrative Hearings pursuant to Chapters 74.08 and 34.05 RCW; and

c. That they may obtain judicial review of an adverse decision without payment of a fee or posting a bond for filing such appeal or preparation of any necessary record.

The State will provide an opportunity for any applicant or recipient aggrieved by an agency action to have an impartial administrative hearing before an Administrative Law Judge pursuant to RCW 74.08.080 and Chapter 34.05 RCW. The State will continue benefits pending the hearing decision, pursuant to WAC 388-458-0040 and WAC 388-290-0265.

3. How will the State ensure fair and equitable treatment?

The State will provide client protections by requiring that clients be treated with dignity and respect, be given sufficient opportunity to make their needs known to the Department, be free from discrimination on any basis prohibited by state or federal law, have their eligibility determined according to rules and procedures of the Department promulgated pursuant to the Administrative Procedures Act (RCW 34.05), be permitted to make applications for benefits and have the application processed and decision made in a timely manner, have their rights and responsibilities explained to them, be informed of which programs and services are available to them through the Department, have the conditions, requirements and benefits for which they are eligible explained to them, and be allowed to exercise, after full explanation, options and choices available to them.

Fair and equitable treatment does not mean that all WorkFirst benefits and services are available to all clients in all areas of the state at any one time. The state's need in some cases to gradually phase in a new service or to undertake pilot initiatives for purposes of determining program effectiveness may limit access to some services for some clients for limited periods of time.

4. How will the State ensure that affordable, suitable child care is available for single custodial parents with a child under the age of six?

The State will develop policies and procedures to the extent allowed under state and federal public assistance law and within available funds to provide affordable, suitable child care to single custodial parents for their children under 12 years of age or children over 12 who are incapable of self-care. (See also Section II.C.5. – "demonstrated inability" to obtain needed child care criteria.)

5. How will the State ensure that tribal families will have equitable access to TANF assistance?

See Attachment A, which is written certification by Governor Christine O. Gregoire that during the fiscal year and consistent with the goals of TANF, the State will provide each member of an Indian tribe domiciled in the State, who does not receive assistance under a tribal family assistance plan approved under 42 U.S.C. 612 with equitable access to TANF assistance.

The State has a specific responsibility to honor state/tribal agreements outlined in the Governor's Centennial Accord. Signed in August 1989 by former Governor Booth Gardner and leaders of Washington's federally recognized Indian tribes, and reaffirmed by every successive Governor, the Accord provides the framework for a government-to-government relationship between the State and signatory tribes.

The Accord calls for collaboration between the State and federally recognized Indian tribes to identify ways the government-to-government relationship can be translated into policies and procedures that result in more efficient, improved and beneficial services to Indians, and support tribes' right to self-governance and self-determination.

To meet the State of Washington's commitment to the Centennial Accord, and the Economic Service Administration (ESA)'s commitment to DSHS Administrative Policy 7.01, ESA created a specialized unit known as the State Tribal Relations Unit (STRU). STRU advises ESA Divisions regarding tribal matters and serves as the point of contact for tribes on issues involving ESA services. ESA's State Tribal Relations Unit will work with Indian Policy and Support Services, the Indian Policy Advisory Committee, and the Governor's Office of Indian Affairs, to successfully coordinate ESA program objectives and welfare reform services with Indian tribes and organizations. In addition:

a. As required under state welfare reform legislation enacted on April 17, 1997, the Department of Social and Health Services will:

   (1) Provide eligible Indian tribes ongoing, meaningful opportunities to participate in the development, oversight, and operation of the WorkFirst Program.

   (2) Certify annually that it is providing equitable access to the WorkFirst Program to Indian people whose tribe is not administering a tribal TANF Program.

   (3) Coordinate and cooperate with eligible Indian tribes that elect to operate a tribal TANF Program as provided for in the federal welfare reform legislation, P. L. 104-193.

   (4) Upon approval by the Secretary of the federal Department of Health and Human Services of a tribal TANF Program, transfer a fair and equitable amount of the state TANF maintenance of effort funds to the eligible Indian tribe.

b. If a tribe decides to cancel a tribal TANF program, it shall notify the Department of Social and Health Services at the same time that it notifies the Secretary of the federal Department of Health and Human Services.

c. The State will honor the tribal government's responsibility for tribal TANF program administration, resource management and service delivery consistent with the government-to-government relationship recognized in the Centennial Accord. The State will also enter into an active dialogue with these tribal governments to discuss our respective roles and responsibilities, including funding, program administration, and necessary changes to the Washington Administrative Code to support tribal programs.

d. In accordance with the principles and protocols of the Centennial Accord, the State will forge a tribal/state/federal/local alliance with all tribes to achieve greater interagency coordination of services to tribal and urban Indian populations, support community-based organizations which represent and serve Indians, and promote awareness of available public assistance resources.

   Currently, eleven tribes have nine federally approved plans to do their own tribal TANF programs and have signed intergovernmental agreements with the State. They are the Port

Gamble S'Klallam Tribe, Lower Elwha Klallam Tribe, Quinault Indian Nation, Quileute Tribe, the Confederated Tribes of the Colville Reservation, Spokane Tribe of Indians, South Puget Intertribal Planning Agency (a single tribal TANF plan covering the Nisqually Tribe, Skokomish Tribe, and Squaxin Island Tribe), Tulalip Tribe, the Nooksack Indian Tribe, the Lummi Nation, and the Upper Skagit Tribe. The state will continue to work with these tribes to provide technical and other assistance, and to ensure the effective transfer of cases and coordination of services. In addition, the state will assist other tribes as they notify the state of their intention to pursue a federally-approved TANF plan. The state will work in partnership with the tribes to coordinate state and tribal benefits and services, by continuing to enter into inter-governmental agreements to ensure American Indians have a access to culturally appropriate services.

D. PROGRAM INTEGRITY

1. What procedures has the State established to prevent fraud and abuse?

The State will continue with existing fraud prevention strategies, e.g., Quality Assurance (QA), Fraud Early Detection (FRED), Verification and Overpayment Control System (VOCS), Criminal Investigations, and Overpayment Recovery through the Office of Financial Recovery (OFR). In addition it has expanded fraud prevention strategies:

a. The passage of P. L. 104-193 allows the State to revise the Washington Administrative Code and implement current state law (formerly prohibited under the Social Security Act) which imposes a period of ineligibility on all persons convicted of welfare fraud. The period of ineligibility lasts a minimum of six months for the first offense and a minimum of 12 months for the second and subsequent offenses.

b. The Washington Administrative Code now reflects new TANF requirements to impose ten-year disqualification periods for those who have received TANF benefits from two states for the same time period and deny benefits to fugitive felons, and probation and parole violators.

c. In response to changes in state law, the Department of Social and Health Services will specifically include the willful failure to promptly notify the Department of Social and Health Services (in writing) of the receipt of unemployment insurance as Theft in the First, Second, or Third Degree by Welfare Fraud, and upon conviction, as a punishable offense in accordance with state welfare fraud laws.

See also Attachment A, which is written certification by Governor Christine O. Gregoire that during the fiscal year, the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning

nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

2. How will the State assure effective services and accurate benefits?

The State will retain its quality assurance functions under state and federal welfare reform legislation to ensure that eligible clients receive assistance and services in a timely, efficient, equitable, and cost-effective manner. Performance indicators for both payment accuracy and outcome measurements will be fully integrated into the State's quality assurance system.

In addition, as required under state law, the State will evaluate WorkFirst and related programs through a limited number of outcome measures designed to hold each Community Service Office and Economic Services Regional Office in Washington State accountable for program success.

Accordingly, the Department of Social and Health Services must:

a. Develop outcome measures for use in evaluating WorkFirst and related programs, including measures such as caseload reduction, job retention, earnings, reduced TANF grants, or placement of WorkFirst clients into private sector, unsubsidized jobs.

b. Require WorkFirst contractors to collect outcome measure information and to report this information to the department regularly. The department will use the reported WorkFirst contractor information to develop contractor benchmarks—which will be published quarterly and provided to the Washington State Legislature, the Governor, and all WorkFirst contractors.

c. Evaluate each WorkFirst office, region, contract, employee, and contractor based on the WorkFirst outcome measures, will award contracts to the highest performing entities, and may provide for bonuses to offices, regions, and employees with the best outcomes (according to WorkFirst outcome measures).

d. Provide an annual report to the appropriate committees of the Washington State Legislature, no later than January 15th of each year, beginning in 1999. This report must include how the department is using the WorkFirst outcome measures to manage the WorkFirst Program.

In addition, the Joint Legislative Audit and Review Committee must conduct (or contract with the Washington Institute for Public Policy to conduct) a study to provide a separate evaluation of the effectiveness of the WorkFirst Program. This study must include an assessment of WorkFirst client employment outcomes (such as hourly wages, hours worked, and total earnings of clients), WorkFirst Program outcomes (such as grant amounts and program exits), and an audit of performance-based WorkFirst contracts (for private, nonprofit contractors).

E. CONSULTATIONS

What process will the state use to consult with local governments and private sector organizations regarding the plan and design of welfare services? Did the state consider and incorporate their comments?

See Attachment A, which is written certification by former Governor Christine O. Gregoire that during the fiscal year, local governments and private sector organizations were consulted and had 45 days to submit comments on Washington State's TANF program. The State made available to the public a summary of the TANF State Plan and, upon request, a complete plan.

There were no public comments received during the review period regarding the Washington TANF State Plan, as revised on October 21, 2008. Upon request, the Department shall make available a copy of the complete plan. The State has made the TANF State Plan available for public viewing on the Department of Social and Health Services internet website at http://www.workfirst.wa.gov/about/tanf.asp.

WASHINGTON'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) STATE PLAN

ATTACHMENT A:

Required Certifications from the Chief Executive Officer of the State