



# WELFARE RIGHTS HANDBOOK

Brought to you by

Parents Organizing for Welfare and Economic Rights

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*POWER is an organization of low-income parents and allies advocating for a strong social safety net while working toward a world where children and care giving are truly valued, and the devastation of poverty has been eradicated.*

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# Section A

## INTRODUCTION TO POWER

**1: POWER Values**

**2: POWER Outreach Flier**

**3: Intern with POWER**

*(Feel free to make copies of these to take along to the welfare office,  
Laundromat, WIC, wherever)*

## OUR VALUES

*Member-led, consensus-based, POWER holds the following values:*

**Self Determination:** We recognize the right of every person to determine the course of her own life, regardless of her class, race, gender identification, sexual orientation, or ability level. This includes the right to define her own identity, have basic needs met, access knowledge and learn skills; the choice of whether and when to have children; raise children according to her culture, convictions, spiritual beliefs, and intuition; and contribute to her community in meaningful ways. Our organization will reflect this in our treatment of one another, and forward these values in our culture and government.

**Intentional and Strategic:** We strive for our work to be powerful, responsive, and relevant to the needs of low-income families. To this end, we value independence and interdependence of local branches, and simplicity and openness of operations that allow for flexibility, personal relationships, sharing of power and responsibility, and holistic support of low-income parents. We strive for respectful, honest communication and healthy conflict.

**Solidarity:** While we are led by low-income parents and work towards their goals, we value knowing our local communities, and working to build coalitions. These coalitions will be inclusive of race, class, gender, sexuality, ability and religious differences, and the spectrum of political orientations of our members and allies. We will build solidarity with groups that have different focuses but share similar core values.

**Children and Mothering:** We honor the presence of children and caregivers in community life. We value the sacred work of care giving, and uphold the human rights of children.

**Social Justice:** We assert that the key to social justice is the equitable distribution of social and natural resources, both locally and globally, to meet basic human needs unconditionally, and to ensure that all people have full opportunities for personal and social development.

**Woman-centered:** We value women, and women's full participation at all levels of society. We value the traditional work of women - homemaking, child and elder care, and community organizing and we believe women should be justly compensated. We assert that women's lives are affected not only by sexism, but by the intersectionality of oppressions of gender, race, class, sexual orientation and others. We identify the historical women's movement; however, we oppose racism and class ignorance within this movement.

**Anti-oppression:** We view racism, sexism, classism, ableism, and heterosexism as systemic, interrelated, and destructive to all of society. We work to end these and other forms of oppression at every level of our organization, our work and our relationships with each other. We work to create a world in which all people are valued, empowered, and have quality of life.

# Confused?

The welfare system can be tough to deal with.

At **POWER** we understand this.

**Our advocates will:**

Answer your question

Help you understand your legal rights

Make sure you are getting the services you are entitled to

Sit in during meetings with your caseworker

Help you help yourself

**You deserve to be treated with dignity and respect.**



**Parents Organizing for Welfare and Economic Rights**

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**FIGHT POVERTY AND INJUSTICE IN YOUR COMMUNITY!**

# **Volunteer or Intern**

## **with POWER**

**Parents Organizing for Welfare and Economic Rights**

**POWER is an organization of low-income parents and allies advocating for a strong social safety net while working toward a world where children and care giving are truly valued, and the devastation of poverty has been eradicated.**

**Join us!**

**Contact us at**

**360-352-9716 or toll free at 1-866-343-9716**

**[info@mamapower.org](mailto:info@mamapower.org)**

**[www.mamapower.org](http://www.mamapower.org)**

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### Advocacy

- Answer POWER's hotline and provide legal information regarding welfare rights.

### Media

- Learn how to engage with the media
- Prepare press releases in response to events that affect welfare policy
- Be a Welfare Reporter—gather stories for print, radio, and television shows.
- Organize press conference

### Welfare Witness

- Be a silent witness at welfare appointments.

### Workshops

- Learn more about the popular education model through taking and leading workshops on welfare rights, global and local economics, and the combating the myths and stereotypes of poverty.

### Office Work

- Follow up with hotline callers.
- Type up advocacy stories
- Prepare and distribute fliers.
- Database and fliers'
- And more!

### Legislature

- Learn how the legislature works
- Educate and organize POWER members to:
  - Get involved in the legislative process
  - Improve their public speaking skills
  - Testify before legislative committees.
  - Educate legislatures on the real effects of policy decisions.

### Outreach

- Go to local welfare offices, food banks, and other places low income parents congregate with information about POWER and their legal rights.

### Fundraising

- Learn how to meet with donors
- Research and write grants
- Plan fundraising events:
 

Art Sale!	Concert!
Secret Café!	Your Idea!

### Direct Action

- Organize and participate in protests responding to economic policies
- Create art through theater, photography, film and audio aimed to educate the public about poverty and parenting issues



# **Section B**

## **ADVOCACY**

**1: You Are Not Alone!**

**2: What is a WAC?**

**3: Your Rights at DSHS**



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**You are not alone.** Please feel free to give us a call anytime. Many are struggling to get needed help from DSHS. Learning the rules that your caseworker is legally obligated to follow will give you power.

As a public assistance recipient, you are the ideal candidate to improve welfare policies. If you have ideas about how to create a system that is more helpful to those in need, and want to join a community committed to social and economic justice, there are countless ways to get involved with POWER:

- Join our e-mail list. We send out weekly updates with news about new welfare policies and your rights, legislative updates and calls to action, fun and free things to do in your community, voter information, articles, and job openings. If you don't have computer access, we will mail you.
- Attend a meeting. In Olympia, we have evening meetings on the first Monday of every month, starting with a potluck at 5:30. Childcare is provided. If you live in another area, organize a meeting of low-income parents in your community.
- Reach out to individuals at your welfare office. In Olympia, we bring donated coffee and pastries once a week along with information about legal rights. Join us or have us send you our materials to do outreach in your community.
- Come to Legislative Advocacy Day. Meet your legislators and let them hear from you throughout the year. Testify at a legislative hearing. Remember, you are an expert on what low-income parents need.
- Organize a "Know Your Rights" clinic in your area. A POWER advocate will come and teach you and your friends how to be your own best advocates!
- Become an active member by volunteering or through an internship. We have weekly member meetings at our office in Olympia on Wednesdays at 2:30. Contact us if you can't make it at that time or live in another area.

***The system cannot be improved without people like you who care enough to make a difference.*** Good Luck! And keep up the good work!

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# What is a WAC?

## Useful Websites

**Washington Administrative Codes** (WAC) govern welfare policy in Washington State. Welfare program rules are actually state law. You can access and cite the program rules from the same source your worker gets them. Your caseworker should be able to cite a WAC for every rule they are asking you to follow.

If you have access to the internet, you can look up the rules online. Laws regarding DSHS are listed on the Washington State Legislature website, [www.leg.wa.gov](http://www.leg.wa.gov).

1. Click on the link *Rules and Regulations* on the left side of the screen.
2. Click on *Jump to WAC*.
3. Scroll down to *Title 388* and bookmark that page, because this site includes all the rules your caseworker is supposed to follow.

Or to go straight there, type in:

<http://www.leg.wa.gov/wac/index.cfm?fuseaction=title&title=388>

If you don't have access to the internet, you can find current WACs at your local library. If you have trouble finding or interpreting them, contact us, we'll look at them with you.

## Let's take back our power!

Here are other publications your caseworker uses to understand how to do their job:

- EAZ Manual: <http://www1.dshs.wa.gov/esa/eazmanual/>
- WorkFirst Handbook: <http://www1.dshs.wa.gov/esa/WFHAND/>
- Working Connections Child Care Manual: <http://www1.dshs.wa.gov/esa/wccc/>

The Northwest Justice Project, a Washington State Legal Services Organization, provides a website that includes legal information in English, Spanish, and Russian for public benefits as well as other civil legal matters at: <http://www.washingtonlawhelp.org/>

Parent Help 123 is a great website for getting information about benefits and applying online: <http://www.parenthelp123.org/>



Brought to you by POWER—Parents Organizing for Welfare and Economic Rights.  
Join us to fight for better welfare policies and better treatment at your local welfare office!

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# **Your Rights at DSHS**

## **YOU HAVE THE RIGHT TO:**

- ✓ Apply for cash or medical assistance, or Basic Food by giving DSHS an application form in person, by mail, by fax, or by completing an online application..... WAC 388-406-0010
- ✓ Ask for and get a receipt for documents, information, or paperwork that you give to the welfare office..... WAC 388-472-0005
- ✓ Have your application processed within 30 days of the date you apply.  
..... WAC 388-472-0005
- ✓ Receive food stamps within 5 days if you are in an emergency situation.  
..... WAC 388-406-0015
- ✓ To be given at least ten days (or more if you request additional time) to provide DSHS with the information needed to determine your eligibility. .... WAC 388-472-0005
- ✓ Ask for extra money to help pay for temporary emergency shelter costs, such as an eviction or a utility shutoff. .... WAC 388-436-0002
- ✓ Have all decisions in writing. No departmental decision is valid until it is in writing.  
..... WAC 388-472-0005
- ✓ Receive 10 days notice before any action is taken against your case.  
..... WAC 388-472-0005
- ✓ Ask for a fair hearing if you disagree with a decision DSHS made.  
..... WAC 388-472-0005
- ✓ Requests for a hearing can be made to your caseworker, the fair hearing coordinator or the Office of Administrative Hearings. Requests do not have to be made in writing; they may be made verbally. If you request a fair hearing within 10 days of being notified by DSHS about a decision, then you can get continued benefits until the date of the hearing. The deadline for appealing a DSHS decision is 90 days..... WAC 388-02-0100/-458-0040
- ✓ Refuse to speak to a fraud investigator or let them into your home.  
..... WAC 388-472-0005
- ✓ See a supervisor upon request..... WAC 388-472-0005
- ✓ Bring someone with you to interviews, hearings, and meetings at DSHS.  
..... WAC 388-02-0155
- ✓ Choose a representative to attend interviews, hearings, meetings, etc. when you are unavailable..... WAC 388-452-0005
- ✓ Have a phone interview if you are unable to make a face-to-face interview for any reason.  
..... WAC 388-452-0005
- ✓ Call the DSHS Customer Relations line in order to file a complaint, find out information about your case, and ask general questions about the DSHS system at 1-800-865-7801.

# **Section C**

## **APPLYING FOR PUBLIC ASSISTANCE**

**1: Applying for Public Assistance**

**2: Washington Public Assistance for Undocumented Immigrants**

**3: When is it safe for immigrants to use public benefits?**

# **Applying for Public Assistance**

**by: Northwest Justice Project**

## **What is an application?**

An application is a written request, on a DSHS form. The date DSHS receives the form is the "date of the application." You can apply in-person at your local DSHS Community Service Office (CSO) or by mail, or by fax, or by internet at <https://fortress.wa.gov/dshs/f2esaapps/esaosa/>. If you're disabled, you can get special help from DSHS in applying for benefits under DSHS' Necessary Supplemental Accommodations (NSA) services. See our publication DSHS Help for People with Disabilities: Necessary Supplemental Accommodations

An application can be made by:

- the person in his/her own behalf;
- a legal guardian or power of attorney;
- any other person acting in behalf of the applicant.

## **Verification**

DSHS will ask for documents verify-ing or supporting the statements made on the application. Example: a copy of a car title to verify ownership. If you don't have a certain requested type of verification, you can use other verification such as statements by other parties. You shouldn't have to provide verifying documents for which a fee is charged (example: certified birth certificate) unless DSHS authorizes payment for such fee.

## **Action on Application**

DSHS must act on applications in one of the following ways in writing: approval; denial; or withdrawal. A denial must be in writing and dated. It must state the reason for denial, cite the applicable rule or law, and must include a statement of the right to a fair hearing. A withdrawal may be made only in writing (but can be done electronically, by internet) by the applicant.

What are the time limits for disposition of applications?

- Medical Assistance: 45 days (unless "disability" is an issue, then it is 60 days)
- Disability Lifeline (GA-U): 45 days
- Expedited Food Stamps: Must be allowed to apply immediately and, if approved, stamps must be "in hand" within 5 days
- Pregnancy Related Medical Assistance ("First Steps"): 15 days
- All Others: 30 days

**\*NOTE:** Applications and notices must be provided in the primary language of the person seeking or receiving benefits. Also, DSHS must help any applicant who

needs special help because of physical or mental health, communication problems, or if the applicant has problems with reading, writing, or understanding the forms.

If an application is denied or not timely acted upon, an applicant has a right to request a fair hearing. Then an impartial administrative law judge will decide whether the denial was legally correct.

You can ask for a fair hearing by writing or calling the Office of Administrative Hearings (OAH) at P.O. Box 42489, Olympia, WA 98504, phone: 1-800-583-8261. You may also ask for one by calling or writing your local DSHS office or by filling out and handing in a Request for Fair Hearing form at your local DSHS office, or going to [www.oah.wa.gov/](http://www.oah.wa.gov/) and clicking on "Contact" for the phone number of the regional OAH office nearest you. You can also call or write your local DSHS office, or fill out and hand or send in a Request for Fair Hearing form at your local DSHS office.

If it is an emergency, you may ask to have your hearing held as soon as possible by calling the OAH. This is called an "expedited" hearing. Otherwise, your hearing will probably be 20 days or more after you ask for it.

New effective November 2009: You can now apply for public assistance even if you're not eligible at the time of application, if you know or believe you'll become eligible in the next 45 days. Example: your job is coming to an end in the next 45 days, or you're being released from jail in the next 45 days.

If you are representing yourself, read our publication titled "Representing Yourself at a Fair Hearing". If you want free legal advice about your case, you may call CLEAR at 1-888-201-1014.

## **Washington Public Assistance for Undocumented Immigrants**

This brochure will tell you what benefits you may be eligible for if you are undocumented. If you have a different immigration status please read one of the brochures listed below.

- **Washington Public Assistance for Refugees and Humanitarian Entrants**
- **Washington Public Assistance for Family visa Beneficiaries**
- **Washington Public Assistance for Public Interest Parolees**
- **Washington Public Assistance for Legal Residents (Permanently Residing Under Color of Law)**
- **Washington Public Assistance for Immigrant Victims of Domestic Violence**
- **Washington Public assistance for Immigrants Who Legalized Under the Immigrations Reform and Control Act**

### **How can I tell if I am undocumented?**

You can be considered undocumented for a couple of different reasons:

**1.** You have entered the US without inspection (although some immigrants who entered the U.S. without inspection may actually qualify for lawful immigration status because, for example, they qualify for political asylum or are victims of domestic violence married to a U.S. citizen or lawful permanent resident) or

**2.** You have overstayed or violated your original immigration status.

Your immigration documents should list your status either by name or with a code. If your immigration status has expired or you don't have a document that shows your status, consult an immigration lawyer or call Northwest Immigrant Rights Project at (206) 587-4009 or (509) 854-2100 for advice. If you have an immigration status and it is still valid but you have lost your proof of that status, you may be able to get assistance from DSHS to help you obtain copies of immigration documents you have lost. Consult one of the brochures above for information on what benefits you may be eligible for.

### **As an undocumented immigrant, what benefits can I receive?**

You are eligible for only limited federal benefits, including:

- Emergency Medicaid, immunizations, testing and treatment of communicable diseases
- Disaster relief
- School lunch, child nutrition programs, foster care and adoption assistance
- Higher education loans, Head Start and other education programs, Job Training Partnership Act, community programs necessary to protect life or



- safety such as domestic violence shelters, and the Consolidated Emergency Assistance Program (a once a year emergency cash grant for families).
- In addition, you may be eligible for **state** programs available to everyone, regardless of immigration status, including programs for pregnant women (up to 185% of poverty) and emergency medical care for hospital-based services. The state health care program for children was terminated on October 1, 2002. For more information see the pamphlet called ***Washington State Immigrant Health Care Transition: October 2002***. You may also be eligible for the Basic Health Plan and Hospital Charity Care.

## **What should I do if I need welfare benefits and I don't speak English?**

The welfare office is required to provide you with a free interpreter without delay. Be sure to mark on the application form if you have difficulty in reading, speaking or understanding English. The office should also send you translated notices about your benefits so that you can read about your rights and responsibilities in your own language. Keep a copy of the letters the welfare office sends you. When you take information to the office, ask them to make a copy for you to keep and stamp the date on both copies. If you have not received interpreters or notices in your own language and the welfare office has cut off your benefits, you may be able to get your benefits back.

## **Am I eligible for SSI?**

No. If your immigration status changes in the future, be sure to check one of the brochures listed at the beginning of this brochure for information about other benefits you may be eligible for.

## **Can receiving cash assistance prevent me from getting a green card (lawful permanent residence)?**

As an undocumented immigrant, the only cash assistance you might qualify for is the Consolidated Emergency Assistance Program which is a once in twelve months grant to very low-income families in emergency circumstances. If other members of your family have legal status or are citizens, then the benefits that they receive would only be considered in determining if you are a public charge if they are your family's sole support. **However, the Immigration and Naturalization Service will only apply public charge rules to you if there is some immigration status for which you may qualify.** Consult an immigration attorney to determine if there is any status for which you qualify and if that status requires you to show you are not likely to become a public charge. Even if you are hoping to apply for legal status soon and public charge rules **do** apply, the Immigration and Naturalization Service does not consider **non-cash** benefits like

medical coupons and food stamps (except for medical benefits for persons institutionalized for long term care) in determining public charge. Finally, immigrants who **fraudulently** receive public assistance may have trouble obtaining legal status. Consult an immigration attorney for questions or read our brochure *New INS Guidance on Public Charge: When Is It Safe to Use Public Benefits?* to find out if public charge rules apply to you.

### **Can I be denied assistance because I have a sponsor?**

Only **in the future** when you can apply for some legal status for which you need an affidavit of support (Form I-864) to get your legal status. Your sponsor's income, other than income **actually** paid to you, cannot be considered available to you until the affidavit of support takes effect, which will usually not be until you have become a lawful permanent resident. Also, for state programs, the sponsor deeming rules only apply to immigrants who have immigrated to the United States with an affidavit of support (Form I-864) filled out on their behalf.

### **If I apply for benefits for myself or for family members who are citizens or legal residents, will the welfare office report me to the INS?**

Not unless you give them an INS document such as a final order of deportation that has not been appealed that shows you are in the US unlawfully **and** there has been a formal finding, such as in administrative hearing, that you are unlawfully present. Furthermore, the welfare department is prohibited from asking for information that is not needed to determine eligibility for benefits and must allow you to indicate that you, yourself, are not applying for benefits even if other family members are.

### **What if the welfare office denies my application?**

If the welfare office denies your application or terminates your benefits it may be because you are no longer eligible. It may also be because the rules are complicated and the Welfare office has made a mistake. If you believe you are eligible or would like another person to review your case, you should either tell your worker that you want a Fair Hearing or ask for a copy of the Hearing Request form to fill out. There is no fee or penalty for requesting a fair hearing and you can always withdraw your request later if you believe the welfare office is correct. You should also contact a legal services office for advice.

# When is it safe for immigrants to use public benefits?

## RECEIPT OF BENEFITS IN WASHINGTON STATE

This publication explains the U.S. government's published guidance on the "public charge" rules, which govern when receiving public benefits may affect:

- your immigration status or
- your ability to travel outside of the U.S.

We also explain when it is and isn't safe to use public benefits.

### 1. Highlights of the Public

#### Charge Guidance

- Use of Medicaid, Healthy Options, children's health, prenatal care or other health services by you or your family members won't affect your immigration status unless you use Medicaid or other government funds to pay for long-term care (in a nursing home or other institution).
- Use of food assistance, WIC, public housing, or other non-cash programs by you or your family members won't affect your immigration status.
- Use of cash welfare by your children or other family members won't affect your immigration status unless these benefits are your family's only income.
- Your own use of cash welfare might affect your immigration status, depending on your situation. Examples of "cash welfare" include SSI, TANF, State Family Assistance or Disability Lifeline (formerly GAU). The government can count your use of these benefits in deciding whether you're likely to become a "public charge."

### 2. Overview of Public Charge

#### What is "public charge?"

"Public charge" is a legal term. We use it to describe persons who cannot support themselves and who depend on government benefits that provide cash for their income.

Examples of cash welfare:

- · TANF
- · State Family Assistance
- · Disability Lifeline (DL) (formerly GAU)
- · Supplemental Security Income (SSI) Depending on your immigration status, the Immigration Service (United States Citizenship and Immigration Services, formerly INS) and State Department consular officers abroad can refuse to let you enter the U.S., re-enter the U.S., or become a permanent resident, if they think you won't be able to support yourself without these benefits in the future. Under very rare circumstances

explained below, the Immigration Service can also deport you if you become a public charge within 5 years of entering the U.S.

Public charge isn't an issue if you're one of the following:

- immigrants who are applying for citizenship
- refugees
- asylees
- persons certified as victims of trafficking

### **How does the government decide whether I'm likely to become a public charge?**

When you seek to enter the U.S. or apply for a green card, the government may ask you questions to see if you're likely to become a public charge in the future. The government can look at whether you've used **cash** welfare. But it cannot make its decision based solely on that. It must also look at all of the following factors together to decide whether you might become a public charge in the future:

- Age: are you elderly or very young, and likely to need support?
- Health: do you have an illness that requires costly treatment?
- Income: are you low-income or poor with no assets?
- Family size: do you have a large family to support?
- Education and skills: are you working now, or can you easily find a job?

When you seek to enter the U.S. or apply for a green card, you must give the government information showing that you won't need benefits to support yourself. Example: if you're elderly, but have family in the U.S. with enough money to support you, or if you have a special skill that will get you a good job in the U.S., give the government this information.

### **What kinds of benefits might cause a public charge problem?**

In deciding whether you're likely to become a public charge, the government can look at whether you've used cash welfare, or if you need long-term institutional care. But even if you used cash welfare in the past, you can still show that you won't need it in the future. (Example: you have a job now.) The government is supposed to look at your whole situation when it decides if you might become a public charge in the future.

### **What if I used Medicaid, Healthy options, children's health, prenatal care, WIC, food assistance or other non-cash programs?**

Using Medicaid can only be a problem if you're in a nursing home or other long-term care. No other non-cash programs will cause a public charge problem.

### **What if my children or other family members use benefits?**

The government won't look at whether your children or other family members used health care or other non-cash benefits. If your children or other family members use cash welfare, it will count against you in a public charge decision only if it's your family's only income.

### **3. Applying for a Green Card**

**I'm applying for a green card. Can the Immigration Service refuse to give me a green card because they think I might use cash welfare one day?**

In certain cases, yes. If the Immigration Service thinks you cannot support yourself and that you'll rely on cash welfare in the future, it can refuse to give you a green card—even if you're not using cash benefits now. (See below for a list of immigration categories not subject to a public charge determination.) See above for some hints on how you might prove that you won't rely on cash welfare in the future.

<sup>2</sup> Using **non**-cash programs won't cause a problem with your green card application.

**I used cash welfare several years ago, but I don't receive cash benefits today. Will I have trouble getting a green card?**

You shouldn't be denied a green card just because you used cash welfare in the past. But you'll need to show that you're not likely to need cash welfare in the future. It's easier to show this if you used welfare a long time ago, or only briefly to get through a hard time.

**I'm not receiving cash welfare, but I'm very sick, and I live in a nursing home. Could I have trouble getting my green card?**

Yes. If you're in a nursing home or have a serious long-term illness, you'll have trouble getting your green card unless you show that you'll be able to get the care you need in the future without relying on Medicaid or other publicly funded programs to pay for your institutional care.

**My relative will sponsor me to live in the United States. Will this help me prove that I won't need cash welfare in the future?**

Yes. Most people applying for a green card through a family member must have a "sponsor" who can show that s/he has enough money to support you (at 125% of the poverty level -- \$27,562 for a family of four). If the relative who petitioned for you doesn't have enough money to support you, s/he'll have to find a "co-sponsor" who's also willing to help support you. Your sponsor and, if necessary, your co-sponsor, will each have to sign a legal agreement ("affidavit of support"), promising to support you until you have credit for 40 quarters (10 years) of work in the U.S., or until you become a U.S. citizen. Your sponsor and co-sponsor

must also agree to pay the government if you use certain benefits during that time. The affidavit of support will help convince the government that you won't need welfare.

**I filed a “self-petition” for an immigration visa under the Violence Against Women Act (VAWA). Will my use of cash welfare be held against me in the public charge determination?**

No. Domestic violence survivors who have filed a VAWA self-petition can use any benefits, including cash welfare, without affecting the public charge determination. However, in determining whether you're likely to become a public charge, the government may look at other factors, such as your:

- age
- income
- health
- education
- family situation

**I applied for a U visa as a victim of a crime. If I get cash benefits for myself or my children, will I have trouble getting a U visa or my green card?**

Probably not. U visa applicants can ask for a “waiver” of the public charge test. This means that the government can grant a visa even if you're found likely to become a public charge. Once you're granted a U visa you shouldn't have difficulty getting your green card. U visa holders who apply for a green card aren't subject to a public charge test.

#### **4. Refugees and others not subject to public charge**

**I'm a refugee. Will I have problems if I use public benefits?**

No. The public charge law doesn't apply to the immigrants listed below:

- Refugees or persons granted asylum in the U.S.
- Victims of trafficking
- Cubans or Nicaraguans applying for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
- Applicants for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998
- Cubans applying for adjustment under the Cuban Adjustment Act who were paroled as refugees before April 1, 1980
- AMER-ASIAN immigrants when they're first admitted to the U.S.
- “Lautenberg” parolees (certain Soviet and Indo-Chinese parolees applying for adjustment of status)
- Registry applicants (persons in the U.S. since before January 1, 1972)
- Special immigrant juveniles

- Applicants for Temporary Protected Status (TPS) Using any benefits, including cash welfare, won't cause a problem for these immigrants.

## **5. Persons with green cards**

### **I have my green card. Will I have problems with the Immigration Service if I get cash welfare?**

Generally, no. Getting cash welfare won't affect your ability to become a citizen. It could be a problem if you travel outside of the U.S. for more than 6 months. See the question on travel below. Using non-cash benefits won't cause you a problem.

### **I have my green card and I get cash welfare. Can I travel outside of the United States?**

If you're a lawful permanent resident (green card holder) who gets any cash welfare right now, avoid taking any trips outside of the U.S. that will last longer than 180 days (about 6 months). Any time you're gone for more than 180 days, the Immigration Service can ask you questions about whether you're likely to become a public charge, and may not let you re-enter the country. If you're outside of the U.S. for 180 days or less, in most cases the Immigration Service won't ask you questions about public charge when you re-enter the U.S. The Immigration Service will only ask you these questions if you:

- intended to live permanently in another country,
- committed certain crimes, or
- had a pending deportation or removal case when you left the country.

### **I have my green card and get non- cash benefits. Can I still receive my benefits while I'm out of the country?**

If you plan to be outside of the country for more than 30 days, check with the agency providing the benefit. It may be against the rules to continue receiving public benefits while you're outside of the U.S. It could hurt your chances of re-entering the U.S. or becoming a U.S. citizen if you received benefits that you weren't supposed to receive.

### **When I return from a trip, can the government make me pay back medical services like Medicaid or prenatal care, or food assistance that I used before I left?**

No. The government isn't supposed to ask you to pay back these benefits unless you received them improperly (example: if you weren't really living in Washington but claimed to be a resident, or if you didn't tell your welfare worker about all of your income).

If you're at the airport or the border and the Immigration Service or other agency asks you to pay back benefits, get legal help immediately, no matter what your immigration status is.

**I have my green card. Can the Immigration Service deport me because I use benefits?**

No. The Immigration Service cannot deport you just for using public benefits that you're qualified to receive. The Immigration Service has said that deportations due to public charge are "rare." A deportation will happen only if **all** of the following are true:

- you received **cash welfare or long-term institutional care** for reasons that existed before you entered the U.S., **and**
- you got the cash welfare or long-term care **less than 5** years after you entered the U.S., **and**
- you or your sponsor have a **legal debt** to the government agency that gave you the cash or long-term care, and you or your sponsor got a notice from the government that you owed the debt within 5 years of entering the U.S., **and**
- you or your sponsor have **failed to repay** the benefits after the government filed a lawsuit and won in court.

**Remember:** if you need benefits because you became sick, had an accident or other crisis **after** coming to the U.S., then you cannot be deported for using those benefits. If you begin using benefits more than 5 years after entering the U.S., then you cannot be deported even if you or your sponsor owes the government money for these benefits. For most permanent residents, this 5-year period starts again every time you enter the U.S. after being gone for more than 180 days.

## **6. Citizens and applying for citizenship**

**I have my green card. I'm receiving SSI or other cash benefits. Will this stop me from becoming a U.S. citizen?**

No, so long as you're properly receiving public benefits. But if you ever got public benefits improperly (example: after providing false information about your income or where you live), or misled the Immigration Service when you got your green card, the Immigration Service may decide that you lack "good moral character." Then you could have trouble becoming a U.S. citizen. If you have any questions about this, talk to an immigration lawyer or community agency before you apply for citizenship.

**I'm a U.S. citizen. Will I lose my citizenship if I get benefits?**



No. You cannot lose your citizenship if you get benefits. Once you become a U.S. citizen the Immigration Service cannot deport you. It must always let you re-enter the U.S. after a trip to another country.

## **7. Sponsoring Your Relatives**

### **Will I have trouble sponsoring my relatives if I've used benefits?**

When you sponsor a relative, you'll need to show that you or your co-sponsor earn enough income to support your relative. To meet this requirement, you cannot count as income the benefits that you received. Currently, the affidavit of support form for sponsors asks whether you or your household members have used benefits within the past 3 years. This is because you can't count any cash welfare when you add up your family's income.

***IF YOU'RE NOT SURE*** whether public charge applies to you, talk to an immigration lawyer or community agency before you apply for a green card or before you travel outside of the U.S.

For more information: in Western Washington, call the CLEAR line (1-888-201-1014) or the Northwest Immigrant Rights Project: (Western Washington) 206-587-4009, (Eastern Washington) 509-854-2100.

*Northwest Justice Project wishes to acknowledge the work of the National Immigration Law Center, whose publications were adapted for use here.*

## **Section D**

# **MAKING A COMPLAINT**

## **Do you feel that you have not been fairly treated by DSHS? You have the right to complain and have your voice heard!**

We encourage written complaints for your own empowerment and to change the behavior of disrespectful caseworkers. If you feel that your civil rights have been violated, you have the right to file a complaint with your local CSO as well as the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services (HHS). The details of this process are at the end of this section.

### **According to WAC 388-426-0005:**

You may give a **supervisor** a written complaint. DSHS is supposed to make a decision about your written complaint within ten days of the date they receive it, and send you a letter telling you what they decided. If you are not satisfied with this decision, you may give the office **administrator** a written complaint, and they must make a decision about your written complaint within ten days of the date they receive it and send you a letter telling you what they decided. If you are still unsatisfied, or don't get a response in 10 days, contact POWER.

If you file a written complaint, you may still ask for a **fair hearing**. This will get your case heard by someone outside DSHS and is the surest way to get DSHS to follow their own rules. You can also get your current benefits continued until your hearing if they have been reduced or terminated and you ask for your hearing within 10 days. Contact POWER for information about how to prepare for your fair hearing.

You may always speak with your worker's supervisor or have them review your worker's decision even if you do not file a formal complaint.

Individuals can file written complaints with their local CSO office regarding any aspect of DSHS services. Complaints must be responded to within 10 days. If you need the address or name of your administrator, contact the POWER office. Complaints can also be made to:

Director of Community Relations  
Washington State Department of Social and Health Services  
PO Box 45440  
Olympia, Washington 98504

We created a form to make it easy for you to send a written complaint. Please call us if you need help writing or sending it, or if you do not get a satisfactory response within 10 days.

### **POWER – Parents Organizing for Welfare and Economic Rights**

**309 5<sup>th</sup> Ave, Olympia, WA 98501**

360-352-9716 toll free 1-866-343-9716

[info@mamapower.org](mailto:info@mamapower.org)

[www.mamapower.org](http://www.mamapower.org)

*Find us on **Facebook***

# COMPLAINT FORM

Date:

DSHS Office and City:

Caseworker:

What happened:

*Continue on back*

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**Name:**

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**This form was signed on my behalf by:**

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**Address:**

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## Civil Rights Complaints:

Your Civil Rights are protected under **WAC 388-426-0005**. DSHS must abide by the following rules:

(1) We will not discriminate based on your race, color, national origin, sex, age, disability, religion, or political beliefs. This agrees with:

(a) Federal law and policy of the United States Department of Agriculture (USDA) and the United States Department of Health and Human Services (HHS) that ban discrimination based on race, color, national origin, sex, age or disability; and

(b) The Food Stamp Act and USDA policy, which bans discrimination on religion or political beliefs.

(2) To file a complaint that we discriminated based on your race, color, national origin, sex, age, disability, religion, or political beliefs, contact USDA or HHS:

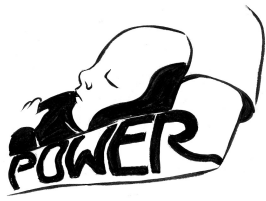
Write:

USDA  
Director, Office of Civil Rights  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250-9410  
Or call:  
(800) 795-3272 (voice) or (202) 720-6382 (TTY).

Director, Office for Civil Rights  
Room 506-F  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
(202) 619-0403 (voice); or  
(202) 619-3257 (TTY).

# **Section E**

## **EDUCATION AND TRAINING**



**Parents Organizing for Welfare and Economic Rights**

309 5<sup>th</sup> Avenue SE, Olympia, Washington 98501

360-352-9716 206-455-9983 toll-free 866-343-9716

[info@mamapower.org](mailto:info@mamapower.org) [www.mamapower.org](http://www.mamapower.org)

***Find us on Facebook***

*Dear Self Advocate,*

*Here is a complete list of education and training options and how they meet the WorkFirst requirements. Getting education approved on your Individual Responsibility Plan (IRP) can be difficult, so it's important to know your rights. Stay firm, and if your caseworker refused to approve your education plan, ask for a fair hearing. Contact POWER with any questions. Good luck!*

**WAC 388-310-0600 WorkFirst — Job search.**

**(1) What is job search?**

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

- (a) Classroom instruction; and/or
- (b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers.

**(2) Who provides me with job search?**

You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

**(3) How long do I stay in job search?**

Periods of job search will start with a review of the work skills assessment portion of your comprehensive evaluation and may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

- (a) You find a full-time job; or
- (b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or
- (c) Your situation changes and the case manager changes the activities on your IRP to fit your new circumstances (see WAC 388-310-0400); or



(d) After fully participating in job search, and based on your experience in looking for work in the local labor market, it is determined that you need additional skills and/or experience to find a job; or

(e) You have not found a job at the end of the job search period.

**(4) What happens at the end of job search if I have not found a job?**

At the end of each job search period, you will be referred back to your case manager who will, at a minimum, review and update the DSHS portion of your comprehensive evaluation if you have not found a job. You and your case manager will also modify your individual responsibility plan.

**WorkFirst — Basic Education. WAC 388-310-0900**

**(1) What is basic education?**

Basic education is high school completion, classes to prepare for general equivalency diploma (GED), testing to acquire GED certification, adult basic education (ABE) or English as a second language (ESL) training. Basic education also includes supervised homework and study activities associated with the educational activity.

**(2) When do I participate in basic education as part of WorkFirst?**

You may participate in basic education as part of WorkFirst under any of the following circumstances:

(a) You are twenty years of age or older and your comprehensive evaluation shows you need this education to become employed or get a better job and:

(i) You are participating the equivalent of twenty hours or more per week in job search, vocational education, issue resolution, paid work or unpaid work that meets the federal definition of core activities; or

(ii) You have limited-English proficiency and you lack language skills that are needed to qualify for entry-level jobs.

(b) You may be required to participate if you are a mandatory participant, a parent eighteen or nineteen years of age, you do not have a high school diploma or GED certificate and you need this education in order to find employment.

(c) You will be required to be in high school or a GED certification program if you are a mandatory participant, sixteen or seventeen years old and you do not have a high school diploma or GED certificate.

(d) You are enrolled in the pregnancy to employment pathway and your comprehensive evaluation shows basic education would help you find and keep employment. (See WAC 388-310-1450.)

## **388-310-1000 WorkFirst — Vocational Education.**

### **(1) What is vocational education?**

Vocational education is training that leads to a degree or certificate in a specific occupation, not to result in a baccalaureate or advanced degree unless otherwise indicated below, and is offered by an accredited:

- (a) Public and private technical college or school;
- (b) Community college;
- c) Tribal college; or
- (d) For customized job skills training (formerly known as pre-employment training), community based organizations.

### **(2) Vocational education may include:**

- (a) Customized job skills training;
- (b) High-wage/high-demand training;
- (c) Approved homework and study activities associated with the educational activity; and/or
- (d) Remedial/developmental education, prerequisites, basic education and/or English as a second language training deemed a necessary part of the vocational education program.

### **(3) What is customized job skills training?**

Customized job skills training helps you learn skills you need for an identified entry-level job that pays more than average entry level wages.

- (a) Customized job skills training is an acceptable activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete customized job skills training.
- (b) You can find out about current customized job skills training opportunities by asking your employment services counselor, your case manager or staff at your local community and technical college.

#### **(4) What is high-wage/high-demand training?**

(a) There are two types of high-wage/high-demand (HWHD) full-time training options for TANF recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology, health care or other professional-technical programs: This option allows you to start and finish a one-year or shorter state community or technical college training program in the information technology, health care fields or other professional-technical programs that meet high-wage/high-demand criteria; and/or

(ii) Certificate/degree completion: This option allows you to finish up the last year of any certificate or degree program, not to exceed a baccalaureate degree, in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by employment security department.

(b) For both types of HWHD training, the training can be approved one-time only (barring an approved exception to policy).

(c) To qualify for HWHD training, you must also:

(i) Meet all of the prerequisites for the course;

(ii) Obtain the certificate or degree within twelve calendar months;

(iii) Participate full time in the training program and make satisfactory progress;

(iv) Work with WorkFirst staff during the last quarter of training for job placement; and

(v) Return to job search once you complete the educational program if still unemployed.

#### **(5) When can vocational education be included in my individual responsibility plan?**

We may add vocational education to your individual responsibility plan for up to twelve months if:

(a) Your comprehensive evaluation shows you need this education to become employed or get a better job and you participate full time in vocational education or combine vocational education with any approved WorkFirst work activity; or

(b) You are in an internship or practicum for up to twelve months that is paid or unpaid and required to complete a course of vocational training or to obtain a license or certificate in a high demand program; or

c) You have limited English proficiency and you lack job skills that are in demand for entry level jobs in your area; and the vocational education program is the only way that you can acquire these skills (because there is no available work experience, community service or on-the-job training that can teach you these skills); or

(d) You are in the pregnancy to employment pathway and your comprehensive evaluation shows vocational education would help you find and keep employment. (See WAC 388-310-1450.)

#### **(6) Can I get help with paying the costs of vocational education?**

WorkFirst may pay for the costs of your vocational education, such as tuition or books, for up to twelve months, if vocational education is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

### **WorkFirst — Skills enhancement training.**

#### **(1) What is skills enhancement training?**

Skills enhancement training (formerly known as job skills training) is training or education for job skills required by an employer to provide a person with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Skills enhancement training may include:

(a) Customized training programs to meet the needs of a specific employer;

(b) General education and training that prepares a person for employment to include vocational education and courses explicitly required for program entry;

(c) Basic education and English as a second language training when such instruction is focused on skills needed for employment, combined in a unified whole with job training or needed to enable the person to perform a specific job or engage in a specific job training program;

(d) Four-year bachelor degree programs at any state-certified college or university; and

(e) Approved homework and study activities.

**(2) Who may provide skills enhancement training?**

The training may be offered by the following types of organizations that meet the WorkFirst program's standards for service providers:

- (a) Community based organizations;
- (b) Businesses;
- (c) Tribal governments; or
- (d) Public and private community and technical colleges.

**(3) When can skills enhancement training be included in my individual responsibility plan?**

We may add skills enhancement training in your individual responsibility plan if you are participating the equivalent of twenty or more hours a week in job search, vocational education, issue resolution, paid work or unpaid work that meets the federal definition of core activities.

**(4) Can I get help with paying the costs of skills enhancement training?**

WorkFirst may pay your costs, such as tuition or books, if skills enhancement training is in your individual responsibility plan and there is no other way to pay them. You may also get help with paying your child care costs through the working connections child care program. (See chapter 388-290 WAC for the working connections child care program rules.)

**WAC 388-310-1100 WorkFirst — Work Experience.**

**(1) What is work experience?**

Work experience (sometimes called WEX) is an activity for mandatory participants that will teach you the basics of holding down a job and give you a chance to practice or expand your work skills. Work experience teaches you these skills by assigning you to unpaid work with:

- (a) A private, nonprofit organization;
- (b) A community or technical college;
- (c) A federal, state, local or tribal government or district; or
- (d) Any entity providing an internship or practicum as described in WAC 388-

310-1000 (2)(b).

**(2) What happens when I am enrolled in a work experience activity?**

When you are enrolled in a work experience activity:

(a) The organization, government or district that is supervising your work experience position must comply with all applicable state and federal health and safety standards while you are working there.

(b) You may be required to look for work on your own and must accept any paid employment you find that meets the criteria in WAC 388-310-1500.

**(3) How long does a work experience assignment last?**

Your case manager must review your work experience assignment if it lasts longer than six months. This review will determine whether you need more time to learn the skills and abilities that the work experience assignment was set up to teach you.

**WAC 388-310-1200      WorkFirst — On-the-Job Training.**

**(1) What is on-the-job training?**

On-the-job training (sometimes called OJT) is skills training provided by an employer at the their place of business. You are paid to both work and spend some time learning new skills to help you do your job better. You may receive the training at your job site or be sent to a classroom (using "release time" from your job) to get some of this training.

**(2) When do I qualify for on-the-job training?**

You may qualify for on-the-job employment if:

(a) You lack skills which are in demand in the local labor market; and

(b) There are employers in your area who can and will provide the training.

**(3) Is my employer reimbursed for giving me on-the-job training?**

Your employer may be reimbursed for giving you on-the-job training for up to fifty percent of your total gross wages for regular hours of work and preapproved release time for training.

**WAC 388-310-1800      WorkFirst — Post Employment Services.**

**(1) What is the purpose of post employment services?**

Post employment services help TANF or SFA parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

**(2) How do I obtain post employment services?**

- (a) You can obtain post employment services by:
  - (i) Asking for a referral from the local community service office;
  - (ii) Contacting community or technical colleges; or
  - (iii) Contacting the employment security department.

**(3) Who provides post employment services and what kind of services do they provide?**

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

- (i) Employment and career counseling;
- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,

- (iv) Adult basic education,
- (v) English as a second language training, or
- (vi) Preemployment training.

**(4) What other services are available while you receive post employment services?**

While you receive post employment services, you may qualify for:

- (a) Working connections childcare if you meet the criteria for this program (described in chapter 170-290 WAC).
- (b) Other support services, such as help in paying for transportation or work expenses if you meet the criteria for this program (WAC 388-310-0800).
- (c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

**(5) Who is eligible for post employment services?**

If you are a current TANF or SFA recipient, you may qualify for post employment services if you are working twenty hours or more a week, unless you are in sanction status.

**(6) What if I lose my job while I am receiving post employment services?**

If you now receive TANF or SFA, help is available to you so that you can find another job and continue in your approved post employment services.

- (a) The employment security department will provide you with reemployment services.
- (b) At the same time, your case manager can approve support services and childcare for you.



# **Section F**

## **EMERGENCY ASSISTANCE**

**1: Additional Requirements for Emergent Needs (AREN)**

**2: Consolidated Emergency Assistance Program (CEAP)**

**3: Diversion Cash Assistance (DCA)**

*Dear Self Advocate,*

*There are three types of emergency assistance, AREN for TANF recipients, CEAP, and Diversion. If you fit within the guidelines outlined here, you shouldn't have a problem getting approved. If you are denied emergency assistance and you feel you are eligible, ask for a fair hearing. Contact POWER with any questions.*

## **Additional Requirements for Emergent Needs (AREN)**

### **WAC 388-436-0002**

If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?

DSHS has a program called additional requirements for emergent needs (AREN). If your family has an emergency and you need assistance to get or keep safe housing or utilities, you may be eligible. The special AREN payment is in addition to the regular monthly cash grant your family may already get.

#### **(1) To get AREN, you must:**

- (a) Be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), or refugee cash assistance (RCA);
- (b) Have an emergency housing or utility need;
- (c) Have a good reason that you do not have enough money to pay your housing or utility costs; and
- (d) Have not previously received the AREN maximum lifetime limit of seven hundred fifty dollars. We will count all AREN payments received since April 2001 by any adult in your TANF assistance unit, for any assistance unit, when we calculate your lifetime AREN limit.

#### **(2) To get AREN, you must be eligible for TANF, SFA, or RCA. This means you must:**

- (a) Get benefits through TANF, SFA, or RCA. For RCA you must also be pregnant or have an eligible child; or
- (b) Apply for TANF, SFA, and RCA, and meet all eligibility criteria including:
  - (i) The maximum earned income limit under WAC 388-478-0035;
  - (ii) The requirement that your unearned income not exceed the grant payment standard;
  - (iii) The requirement that your countable income as defined under WAC 388-450-0162 must be below the payment standard in WAC 388-478-0020 when you have both earned income and unearned income;
  - (iv) The resource limits under chapter 388-470 WAC;
  - (v) The program summary rules for either TANF (WAC 388-400-0005); SFA (WAC 388-400-0010); or RCA (WAC 388-400-0030); and

(vi) The requirement that you must be pregnant or have an eligible child.

**(3) If you do not get or do not want to get TANF, SFA or RCA, you cannot get AREN to help with housing or utility costs. We will look to see if you are eligible for diversion cash assistance (DCA) under WAC 388-432-0005.**

**(4) To get AREN, you must have an emergency housing or utility need. You may get AREN to help pay to:**

- (a) Prevent eviction or foreclosure;
- (b) Get housing if you are homeless or need to leave your home because of domestic violence;
- (c) Hook up or prevent a shut off of utilities related to your health and safety. We consider the following utilities to be needed for health and safety:
  - (i) Electricity or fuel for heating, lighting, or cooking;
  - (ii) Water;
  - (iii) Sewer; and
  - (iv) Basic local telephone service if it is necessary for your basic health and safety. If you receive TANF or SFA, the Washington telephone assistance program (WTAP) may be used to help you pay for basic local telephone service.
- (d) Repair damage or defect to your home when it causes a risk to your health or safety:
  - (i) If you own the home, we may approve AREN for the least expensive method of ending the risk to your health or safety;
  - (ii) If you do not own the home, you must ask the landlord in writing to fix the damage according to the Residential Landlord-Tenant Act at chapter 59.18 RCW. If the landlord refuses to fix the damage or defect, we may pay for the repair or pay to move you to a different place whichever cost is lower.
- (e) If you receive TANF or SFA, WorkFirst support services under WAC 388-310-0800 may be used to help you relocate to new housing to get a job, keep a job, or participate in WorkFirst activities. Non-housing expenses that are not covered under AREN may be paid under WorkFirst support services. This includes expenses such as car repair, diapers, or clothing.

**(5) To get AREN, you must have a good reason for not having enough money to pay for your housing or utility costs. You must prove that you:**

- (a) Did not have money available that you normally use to pay your rent and utilities due to an emergency situation that reduced your income (such as a long-term illness or injury);
- (b) Had to use your money to pay for necessary or emergency expenses. Examples of necessary or emergency expenses include:

- (i) Basic health and safety needs for shelter, food and clothing;
- (ii) Medical care;
- (iii) Dental care needed to get a job or because of pain;
- (iv) Emergency child care;
- (v) Emergency expenses due to a natural disaster, accident, or injury; and
- (vi) Other reasonable and necessary expenses.

(c) Are currently homeless; or

(d) Had your family's cash grant reduced or suspended when we budgeted your expected income for the month, but the income will not be available to pay for the need when the payment is due. You must make attempts to negotiate later payments with your landlord or utility company before you can get AREN.

**(6) In addition to having a good reason for not having enough money to pay for your costs, you must also explain how you will afford to pay for the on-going need in the future. We may deny AREN if your expenses exceed your income (if you are living beyond your means). We may approve AREN to help you get into housing you can afford.**

**(7) If you meet the above requirements, we decide the amount we will pay based on the following criteria.**

(a) AREN payments may be made up to a maximum of seven hundred fifty dollars in a lifetime.

(b) The number of AREN payments you can receive is not limited, as long as the total amount received by all adults in the assistance unit for any assistance unit, does not exceed the seven hundred fifty dollar lifetime limit. If you or another adult in your assistance unit have already received the lifetime limit, you may not be eligible to receive additional payments.

(c) We will determine if any adult TANF/SFA recipient living in your household has already received the AREN lifetime limit.

(d) We have the discretion to approve an AREN payment above the seven hundred fifty dollar lifetime limit when your health and safety are in imminent danger.

(e) The amount of AREN is in addition to the amount of your monthly TANF, SFA, or RCA cash grant.

(f) We will decide the lowest amount we must pay to end your housing or utility emergency. We will contact your landlord, utility company, or other vendor for information to make this decision. We may take any of the following steps when deciding the lowest amount to pay:

- (i) We may ask you to arrange a payment plan with your landlord or utility company. This could include us making a partial payment, and you setting up a plan for you to repay the remaining amount you owe over a period of time.

(ii) We may have you use some of the money you have available in cash, checking, or savings to help pay for the expense. We will look at the money you have available as well as your bills when we decide how much we will pay.

(iii) We may consider income that is excluded or disregarded for cash assistance benefit calculations, such as SSI, as available to meet your emergency housing need.

(iv) We may consider money other individuals such as family or friends voluntarily give you. We will not count loans of money that you must repay to friends or family members.

(v) We may consider money from a non-needy caretaker relative that lives in the home.

(vi) We may look at what other community resources you currently have to help you with your need.

(g) The seven hundred fifty dollar lifetime limit applies to the following people even if they leave the assistance unit:

(i) Adults; and

(ii) Minor parents that get AREN when no adults are in the assistance unit.

**(8) We pay AREN directly to the landlord, mortgage company, utility, or other vendor.**

**(9) We may assign you a protective payee for your monthly grant under WAC 388-460-0020.**

# **Consolidated Emergency Assistance Program (CEAP)**

## **WAC 388-436-0015**

### **(1) CEAP is available to the following:**

- (a) A pregnant woman in any stage of pregnancy; or
- (b) Families with dependent children, including families who have stopped receiving their TANF grant under WAC [388-310-1600](#) so long as:
  - (i) The dependent child is living with a parent or a relative of specified degree as defined under WAC [388-454-0010](#); or
  - (ii) The dependent child has lived with such a relative within six months of the request for assistance

### **(2) Applicants must be residents of Washington state as defined in WAC [388-468-0005](#).**

### **(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:**

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical care;
- (e) Utilities;
- (f) Household maintenance supplies;
- (g) Necessary clothing or transportation costs to accept or retain a job; or
- (h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

### **(4) Payment under this program is limited to one time within twelve consecutive months for a period covering no more than thirty consecutive days.**

### **(5) The department may discontinue program benefits issuances during periods of time when state funds appropriated for CEAP are exhausted.**

## **Income and resources for CEAP. WAC 388-436-0035**

### **(1) Estimated income, resources and circumstances of the following persons are used in determining need and payment for CEAP:**

- (a) All persons included as members of the CEAP assistance unit;
- (b) If living in the home, the spouses and minor brothers and sisters of persons included as members of the CEAP assistance unit.

**(2) Public assistance payments plus authorized additional requirements received in the calendar month of CEAP application are considered as income.**

**(3) The value of resources not listed as excluded in WAC [388-436-0040](#) is considered available to meet the emergent needs of the CEAP assistance unit.**

**CEAP assistance unit composition. WAC 388-436-0020**

**(1) The following persons living in the household must be included as members of the CEAP assistance unit:**

- (a) All full, half, or adopted siblings under eighteen years of age, including a minor parent; and
- (b) The parent, adoptive parent, or stepparent living with the child or children.

**(2) The following persons living in the household do not have to be included but may be included as members at the option of the applicant:**

- (a) One caretaker relative of specified degree when the child's parent does not live in the home;\
- (b) Stepbrothers and stepsisters to all children in the assistance unit.

**(3) The following persons may make up a CEAP assistance unit without including others living in the home:**

- (a) The child of a parent who is a minor when the minor parent is not eligible due to the income and resources of his/her parents; or
- (b) A pregnant woman when no other child is in the home.

**(4) The following persons living in the household are not included as members of the CEAP assistance unit:**

- (a) A household member receiving Supplemental Security Income (SSI);
- (b) A household member ineligible due to reasons stated in WAC [388-436-0030](#).

**Eligibility for CEAP depends on other possible cash benefits. WAC 388-436-0030**

**(1) You are ineligible for CEAP if you, or a household member, are eligible for any of the following programs:**

- (a) TANF or SFA, unless the family has had its case grant terminated due to WAC [388-310-1600](#) within the last six months;
- (b) RCA;
- (c) Disability lifeline (DL);
- (d) Supplemental Security Income (SSI);
- (e) Medical assistance for those applicants requesting help for a medical need;

- (f) Food assistance for those applicants requesting help for a food need;
- (g) Housing assistance from any available source for those applicants requesting help for a housing need;
- (h) Unemployment compensation, veteran's benefits, industrial insurance benefits, Social Security benefits, pension benefits, or any other source of financial benefits the applicant is potentially eligible to receive.

**(2) The department may require the applicant, or anyone in the assistance unit, to apply for and take any required action to receive benefits from programs described in the above subsection (1)(a) through (h).**

**(3) The department may not authorize CEAP benefits to any household containing a member who is:**

- (a) Receiving cash benefits from any of the following programs:
  - (i) TANF/SFA;
  - (ii) RCA;
  - (iii) DCA; or
  - (iv) DL.
- (b) Receiving reduced cash benefits for failure to comply with program requirements of TANF/SFA, or RCA.

**(4) The department may authorize CEAP to families reapplying for TANF/SFA who are not eligible for TANF cash benefits under WAC [388-310-1600](#) until they complete the four week participation requirement.**

**Excluded income and resources for CEAP. WAC 388-436-0040**

**Resources and income listed below will not be considered in determining need or payment for CEAP:**

- (1) A home as defined under WAC [388-470-0045](#);
- (2) One vehicle, running and used regularly by the assistance unit, with an equity value not to exceed one thousand five hundred dollars);
- (3) Household furnishings being used by the assistance unit;
- (4) Personal items being used by members of the assistance unit;
- (5) Tools and equipment being used in the applicant's occupation;
- (6) The value of the coupon allotment under the Food Stamp Act of 1977, as amended;
- (7) Benefits received under the women, infants and children program (WIC) of the Child



Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

(8) Energy assistance payments;

(9) Grants, loans, or work study to a student under Title IV of the Higher Education Amendments or Bureau of Indian Affairs for attendance costs as identified by the institution;

(10) Income and resources of an SSI recipient;

(11) Livestock when the products are consumed by members of the assistance unit;

(12) All resources and income excluded for the TANF program under WAC [388-470-0045](#) and by federal law.

### **Income Deductions for CEAP -- WAC 388-436-0045**

The following deductions are allowed when determining the CEAP assistance unit's net income:

**(1) A ninety-dollar work expense from each member's earned income;**

**(2) Actual payments made by a member with earned income for care of a member child up to the following maximums:**

<b>Hours Worked Per Month</b>	<b>Each Child Under Two Year</b>	<b>Each Child Two Years or Older</b>
0 – 40	\$ 50.00	\$ 43.75
41 – 80	100.00	87.50
81 – 120	150.00	131.25
121 or More	200.00	175.00

**(3) Verified expenses for members of the assistance unit during the current month as follows:**

(a) Medical bills;

(b) Child care paid in an emergency in order to avoid abuse;

(c) Dental care to relieve pain; or

(d) Costs incurred in obtaining employment.

(e) For the disaster cash assistance program (DCAP), disaster related expenses and/or losses suffered as a result of the disaster and the expense and/or loss is not anticipated to be reimbursed during the month of application.

**Determining financial need and benefit amount for CEAP.**

**WAC 388-436-0050**

**(1) To be eligible for CEAP assistance, the assistance unit's non-excluded income, minus allowable deductions, must be less than ninety percent of the TANF payment standard for households with shelter costs. The net income limit for CEAP assistance units is:**

<b>Assistance Unit Members</b>	<b>Net Income Limit</b>
1	\$323
2	407
3	505
4	594
5	685
6	779
7	900
8 or more	996

**(2) The assistance unit's allowable amount of need is the lesser of:**

(a) The TANF payment standard, based on assistance unit size, for households with shelter costs as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

	<b>Need Item: Maximum allowable amount by assistance unit size</b>							
	1	2	3	4	5	6	7	8 or more
Food	\$217	\$276	\$341	\$402	\$463	\$526	\$ 600	\$ 664
Shelter	265	334	416	490	564	639	740	818
Clothing	31	39	48	57	65	75	85	96
Minor Medical Care	184	234	290	341	393	444	516	570
Utilities	89	113	140	164	189	216	250	276
Household maintenance	65	83	103	121	140	159	183	202
Job Related Transportation	359	453	562	661	762	866	1000	1107
Child Related Transportation	359	453	562	661	762	866	1000	1107

**(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:**

- (a) The assistance unit's net income, as determined under subsection (1) of this section;
- (b) Cash on hand, if not already counted as income; and
- (c) The value of other non-excluded resources available to the assistance unit.

**(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.**

## **Diversion Cash Assistance (DCA)**

### **WAC 388-432-0005**

**DSHS has a program called diversion cash assistance (DCA).** If your family needs an emergency cash payment but does not need ongoing monthly cash assistance, you may be eligible for this program.

#### **(1) To get DCA, you must:**

(a) Meet all the eligibility rules for temporary assistance for needy families (TANF)/state family assistance (SFA) except:

(i) You do not have to participate in WorkFirst requirements as defined in chapter [388-310](#) WAC; and

(ii) You do not have to assign child support rights or cooperate with division of child support as defined in chapter [388-422](#) WAC.

(b) Have a current bona fide or approved need for living expenses;

(c) Provide proof that your need exists; and

(d) Have or expect to get enough income or resources to support yourselves for at least twelve months.

#### **(2) You may get DCA to help pay for one or more of the following needs:**

(a) Child care;

(b) Housing;

(c) Transportation;

(d) Expenses to get or keep a job;

(e) Food costs, but not if an adult member of your family has been disqualified for food stamps; or

(f) Medical costs, except when an adult member of your family is not eligible because of failure to provide third party liability (TPL) information as defined in WAC [388-505-0540](#)

#### **(3) DCA payments are limited to:**

(a) One thousand two hundred fifty dollars once in a twelve-month period which starts with the month the DCA benefits begin; and

(b) The cost of your need.

#### **(4) We do not budget your income or make you use your resources to lower the amount of DCA payments you can receive.**

#### **(5) DCA payments can be paid:**

(a) All at once; or

(b) As separate payments over a thirty-day period. The thirty-day period starts with the date of your first DCA payment.

**(6) When it is possible, we pay your DCA benefit directly to the service provider.**

**(7) You are not eligible for DCA if:**

- (a) Any adult member of your assistance unit got DCA within the last twelve months;
- (b) Any adult member of your assistance unit gets TANF/SFA;
- (c) Any adult member of your assistance unit is not eligible for cash assistance for any reason unless one parent in a two-parent-assistance unit is receiving SSI; or
- (d) Your assistance unit does not have a needy adult (such as when you do not receive TANF/SFA payment for yourself but receive it for the children only).

**(8) If you apply for DCA after your TANF/SFA grant has been terminated, we consider you an applicant for DCA.**

**(9) If you apply for TANF/SFA and you received DCA less than twelve months ago:**

- (a) We set up a DCA loan.
  - (i) The amount of the loan is one-twelfth of the total DCA benefit times the number of months that are left in the twelve-month period.
  - (ii) The first month begins with the month DCA benefits began.
- (b) We collect the loan only by reducing your grant. We take five percent of your TANF/SFA grant each month.

**(10) If you stop getting TANF/SFA before you have repaid the loan, we stop collecting the loan unless you get back on TANF/SFA.**

# **Section G**

## **FAIR HEARINGS**

**1: 15 Steps to Prepare for a Public Assistance Hearing**

**2: Representing Yourself at a Fair Hearing**

*Dear Self Advocate,*

*Here is a guide prepared for you by the office of administrative hearings. We edited it with the italicized parts to make it easier to understand and to add to your information. Let us know if this is helpful or if you do not have internet access or if you have questions with interpretation and we can help you with the research.*

POWER: 360-352-9716 in Olympia, toll free at 1-866-343-9716  
[welfarerights@riseup.net](mailto:welfarerights@riseup.net) <http://www.oly-wa.us/power/>

## **15 STEPS TO PREPARE FOR A PUBLIC ASSISTANCE HEARING**

### **1. Identify Issues**

Determine precisely what it is that you are appealing. Read the entire adverse notice DSHS sent you. Read the cited rules.

*You can research Washington Administrative Codes (WACs) and Federal Codes (RCWs) by going to the Washington State Legislature site and following the link to rules and regulations. All governmental benefits WACs begin with 388:*

<http://apps.leg.wa.gov/wac/default.aspx?cite=388>

The substantive rules which apply to your hearing can be found by

- \* looking at the adverse notice which you are appealing
- \* researching the issues for additional applicable rules, statutes, and case law.

*You can also read the same manuals DSHS caseworkers use:*

- A - Z Manual: <http://www1.dshs.wa.gov/esa/eazmanual/>
- WorkFirst Handbook: <http://www1.dshs.wa.gov/ESA/wfhand/>
- Working Connections Child Care Manual:  
<http://www1.dshs.wa.gov/esa/wccc/>

Plus read any other policy or interpretive statements to understand DSHS's interpretation of the rules.

*Call your local welfare rights organization or legal services, 1-888-201-1014, or the Fair Hearing Coordinator (FHC) if you have any questions about the meaning of the notice and to get copies of the WACs or written policy statements.*

Sometimes the rules cited in DSHS notices are not current.

## **2. Gathering Information (Discovery) - Informal**

### **(a) File Review**

Review your DSHS file(s). You have a right to this review. You also have the right to free copies of relevant documents in the file(s). Generally a file review can be accomplished by asking the FHC and arranging a time to meet. You may, however, need to make a formal public disclosure request. If this is the case, the FHC will give you a form to fill out.

You may have more than one file (economic, social services, etc.). Be sure to ask to see all files including those only in hard copy or only on the computer as well as any unfiled documents.

### **(b) Interviews**

#### **DSHS Witnesses:**

Ask the FHC to help you schedule interviews with all DSHS witnesses including him or herself. The FHC is the primary and usually the only DSHS witness but there may be others. Make notes. Follow up settlement possibilities. Prepare to use your notes during cross examination.

#### **DSHS Decision Makers:**

Request interviews with DSHS employees involved in the decision you are appealing even if DSHS is not planning to have them testify. This is especially important in cases involving incapacity determinations (for Disability Lifeline/GAU cases), WorkFirst decisions, FRED (Fraud Early Detection) investigations, DDDS (Division of Disability Determinations Services), also known as "ODI" determinations, and decisions about medical assistance. FHCs rely heavily on information provided to them by other DSHS workers or contractors and, while the FHCs are usually experts on financial issues, they are usually not prepared to fully explain the basis for decisions made in other areas.

#### **Your Witnesses:**

Be sure their testimony is relevant, credible, and from direct personal knowledge or is otherwise reliable. Tell the FHC who your witnesses will be as soon as possible.

Consider requesting telephonic testimony for persons reluctant to take the time to testify or who could be expensive to pay to testify in person. The Administrative Law Judge (ALJ) will likely grant your request and make accommodations for such witnesses to ensure the inclusion of all relevant evidence and to avoid unnecessary expense or inconvenience to witnesses.

Subpoenas may be issued to reluctant witnesses or those who need them to justify their appearance to their employer. But, the ALJ has no enforcement power. Subpoenas must be enforced through a superior court proceeding. As an



alternative to pursuing enforcement proceedings, be prepared to argue about inferences to be made from the subpoenaed person's absence.

### **3. Discovery - Formal**

If you cannot get the information you need by voluntary compliance, call OAH and ask that a phone pre-hearing conference be set up with the ALJ.

### **4. Settlement Discussion**

Settlements are strongly encouraged. If you disagree with DSHS's statement of facts, determine what evidence you have to contradict DSHS's factual basis for its position; if you disagree with DSHS's interpretation of a rule, articulate your preferred interpretation. Call the FHC and discuss your position and its basis. He or she is in a position to correct DSHS's action if there is a basis to do so.

### **5. Evidence Checklist/Hearing Notebook**

You should know what evidence must be presented to prove each element of your case. Make a list to help you gather your evidence and to keep you on track at the hearing. Consider making a notebook to contain your exhibits, witness questions (direct and cross), and any other information you'll need at hand for the hearing.

### **6. Preparing Your Testimony**

Prepare yourself to not react inappropriately to DSHS testimony. Be polite while testifying and while listening to others speak and avoid interrupting. Bring paper and a pen to make notes during others' testimony so you won't forget anything you would like to respond to. Prepare to testify as described below for other witnesses.

### **7. Witness Preparation**

Be sure you know what testimony you can expect from each witness and that each witness knows what you will be asking. Make a list of short simple questions written out in logical order that will elicit specific facts that lead to proving the ultimate fact. Do not use single conclusory questions. (*Conclusory - a word common in legal writing, describes evidence that is not specific enough to prove what it addresses. Close-ended. For example, the statement "She is an illegal alien" is conclusory, whereas "She told me that she is an illegal alien" is not.*)

Put the anticipated answer next to each question. If you are not getting the information you expect and need, you will be alerted to follow up with clarifying questions or to look elsewhere for necessary proof.

Instruct each witness to tell the truth, stick to the point, ask for a clarification if they do not understand, look at the ALJ when they are testifying and generally be polite. Be sure each witness knows what the hearing will look like and has any other information they need to put them at ease.

## **8. Pre-Hearing Motions**

Determine whether you need to make any pre-hearing motions and whether they would be best made on the day of hearing or in advance of the hearing date. Pre-hearing motions may be scheduled by phoning OAH. They are usually heard by phone. Keep in mind that time may be short on the day of hearing.

## **9. Length of Hearing**

Determine how much time you need for the hearing. Hearings are generally set every half hour. If you think you will need more than 30 minutes, phone OAH and ask for a special longer hearing slot.

## **10. Interpreters or Other Special Accommodations**

Determine if you or any of your witnesses need an interpreter or other accommodations. Phone OAH as soon as possible so arrangements can be made.

## **11. Pre-Hearing Submissions**

Request DSHS's exhibits in advance of the hearing date. Submit your exhibits in advance. Be sure all of your exhibits are legible. If they are not, get better copies or transcribe them--especially in the case of handwritten records such as doctors' notes. If exhibits are required by the ALJ to be submitted in advance of the hearing and they are not, they may be excluded.

## **12. Location and Mode of Hearing**

Read the Notice of Hearing to find out where and how the hearing will be held. If you have any questions about either, call OAH. If you wish to convert from an in-person hearing to a phone hearing or vice versa, or if you need to have the hearing at a different location, call OAH. For some types of hearings you may

convert to in-person as a matter of right. If you are going to appear by phone, you will need to submit your exhibits and provide a phone number well in advance of the hearing.

### **13. Readiness for Hearing**

Determine whether you and the Fair Hearing Coordinator are ready to proceed to hearing. If either one of you is not ready, and you are getting continued benefits, consider requesting a continuance (postponement) in advance of the hearing date.

### **14. Applicable Law**

Read the applicable procedural and substantive rules and law.

### **15. Hearing Process**

Know what the hearing itself will look like.

*Dear Self Advocate,*

*The two most important words you will need for your own self-advocacy are fair hearing. The fair hearing process is your only opportunity to take your case outside of DSHS. It is usually effective in enforcing your rights. If you know your rights, and the Fair Hearing Coordinator at your welfare office is good at their job, you will probably never go to fair hearing. It is the Fair Hearing Coordinator's job to win hearings for DSHS, not lose. If you are going to win your fair hearing, a Fair Hearing Coordinator will settle with you before the hearing and ask your caseworker to follow the rules. Once you have something in writing, you can cancel your fair hearing. Good luck and call us with any questions.*

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[www.oly-wa.us/power/](http://www.oly-wa.us/power/)

## **Representing Yourself at a Fair Hearing**

*By: Northwest Justice Project*

### **Introduction**

If you don't agree with any decision, either verbal or written, made by the Department of Social and Health Services (DSHS), you have the right to appeal that decision by asking for a fair hearing. For example, whenever DSHS denies your application, reduces or stops any benefits, including cash, Basic Food (formerly Food Stamps), or medical assistance, says you are being sanctioned or claims you have an overpayment of benefits, you may ask for a fair hearing.

This publication tells you about **1)** the deadline to request a fair hearing, **2)** how to make the re-quest, **3)** how to prepare for your hearing, and **4)** what to expect at your hearing and afterward.

If you have difficulty speaking or understanding English or you cannot communicate in spoken language, you have the right to a qualified and impartial interpreter at no cost to you. To ask for an interpreter, you can tell the Fair Hearing Coordinator at your local DSHS office or you can call the Office of Administrative Hearings (OAH) at (360) 664-8717 or 1-800-583-8271 to let them know that you need an interpreter. You have the right to receive notices regarding your hearing in your primary language. Also, if at any time during the hearing you feel the interpreter is not doing a good job, you have the right to ask the Administrative Law Judge (ALJ) for another interpreter.

### **What is the deadline for requesting a fair hearing?**

DSHS must give you a written notice if it plans to deny, reduce or terminate your benefits. The notice must tell you both what action DSHS is taking and what rule or rules DSHS is relying on.

***NOTE:*** *You can request a fair hearing anytime **within 90 days of the date of the notice.***

If you are receiving benefits and request a fair hearing **within 10 days of the date on the notice, or before the effective date of the proposed action, DSHS must continue your benefits** until an ALJ has made a decision in your case. Also, if DSHS stops your benefits without giving you written notice, you may request a fair hearing to ask for continued benefits.

However, DSHS may stop your Basic Food benefits even though you have requested a hearing, if your Basic Food certification period has ended.

If DSHS is terminating or reducing your benefits, any continued assistance that you receive may become an overpayment, that is, a debt you owe to DSHS, if you lose the fair hearing. However, you will not be liable to repay more than 60 days worth of continued assistance.

### **How do I request a fair hearing?**

**Written Request:** You may ask for a fair hearing by writing to the Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504. If it is an emergency, you may ask to have your hearing held as soon as possible by calling the Office of Administrative Hearings (OAH) at (360) 664-8717 or 1-800-583-8271. This is called an “**expedited**” hearing. You may also request a fair hearing by contacting the Fair Hearing Coordinator in your local DSHS office.

**Verbal Request:** You may also ask for a fair hearing verbally by calling OAH or by telling the DSHS Fair Hearing Coordinator or other DSHS staff person that you want a fair hearing. DSHS may ask you to follow up by putting your request in writing.

After you request a fair hearing, OAH will send you a "Notice of Hearing" which will tell you the time, date and location of your hearing. If the notice tells you that the hearing is to be held by telephone but you want to have your hearing in person, you can call OAH at the number listed on the notice to ask for an in-person hearing as soon as you get your notice. It is usually better to have an in-person hearing. You have the right to have your hearing held at your local DSHS Community Services Office.

### **How should I prepare for my fair hearing?**

Make an appointment to meet with the DSHS Fair Hearing Coordinator (FHC). The FHC is not a lawyer but is the person who will represent DSHS at your hearing. Ask the FHC 1) to explain why DSHS is denying, reducing or stopping your benefits, or taking any other action against you; 2) to give you copies of all the rules DSHS is using to support its action; 3) to ask if DSHS will have any witnesses at your hearing and if so, ask who they will be and what they will be asked to testify about; and 4) to view and receive copies of documents from your electronic case file. These documents may include not only letters and notices but also case notes, case narratives, medical reports and evaluations, cash and Basic Food computations, WorkFirst notes and documents, applications, eligibility reviews, etc. Finally, the FHC is required to give a packet of all documents DSHS will be using at your hearing, **5 days before the hearing** takes place. If you do not get the Fair Hearing packet in advance as required, you may tell the ALJ this at your hearing and ask that it be rescheduled to give you time to review the packet.

The FHC may write or call you to schedule a **pre-hearing conference**. You can meet in a pre-hearing conference with the FHC if you choose, but you are not required to. It is an opportunity to understand the issues better from both sides and to help you prepare for your hearing. You may be able to settle the matter. If not, you still have the right to have your hearing. Finally, the FHC is required to give you a packet that contains copies of all documents DSHS will submit as exhibits in your fair hearing.

### **What should I bring to the fair hearing?**

It is helpful to bring a list of points you want to be sure to explain to the ALJ. You may bring any documents, pictures, or other papers to show the ALJ why you think that DSHS is wrong. You may bring witnesses to testify on your behalf. You may also bring a friend or relative regardless of whether that person will be a witness testifying on your behalf or not. You may also bring a friend, relative, or other person to represent you at the hearing. Your representative does not have to be a lawyer. Most people represent themselves at their hearing.

### **What happens at the fair hearing?**

Your hearing will be conducted by an ALJ who does not work for DSHS but works for a separate agency called the Office of Administrative Hearings (OAH). Hearings are held at the DSHS office and are less formal than legal proceedings in a courtroom. All the people present sit around a table. The ALJ will tape record what is said and will take notes.

At the beginning of the hearing the ALJ will explain that she or he is not an employee of DSHS, has never seen your file, and knows nothing about you or your case except what you wrote in your fair hearing request. The ALJ will

explain that in deciding your case, s/he will consider only 1) documents that you and DSHS submit and 2) all sworn testimony. The ALJ will then swear in everyone who will testify. Following that, give your documents to the ALJ who will give them exhibit numbers.

Usually, the FHC talks next, tells the ALJ why DSHS believes it is correct, and explains the documents that are DSHS' exhibits. When the FHC is through, you can ask the FHC any questions you have about what s/he said. If the FHC has any witnesses, you can ask the witnesses questions when they are through testifying. The ALJ may also have questions for the FHC and any witnesses, to clarify the facts.

Next it is your turn to tell your side of the story. Remember that the ALJ knows nothing about you or your case before the hearing starts except what you stated in your fair hearing request. You must tell the ALJ everything that you want her or him to know. You may refer to your notes and tell the ALJ exactly what happened from your perspective. When you are through, the FHC and the ALJ may ask you questions. Then you may ask your witness to testify. The FHC and ALJ may ask your witnesses questions also.

How you act at the hearing is very important because the ALJ sees you only this once and decides if you are credible. Here are some tips:

- Be polite; don't interrupt the FHC, ALJ, or a witness.
- Look at the ALJ when you testify.
- Be firm about what you are saying, but don't yell.
- Don't roll your eyes or use other offensive gestures.
- Don't swear or use other language that is offensive.

### **What should I expect after my fair hearing?**

The ALJ does not decide who wins at the end of your hearing but instead sends a written decision to you and to DSHS, roughly about one month after the hearing. The written decision of the ALJ will be called either an Initial Decision or a Final Order. There is an important difference between these two types of decisions, explained below.

#### **Initial Decision:**

If you or DSHS disagree with the ALJ's Initial Decision, you have the right to appeal to a Review Judge who works for DSHS' Board of Appeals (BOA). The

appeal is called a Petition for Review; instructions on how to petition for review and the deadline will be attached to the ALJ's Initial Decision.

This appeal is in writing only; you do not appear before the Review Judge. The Review Judge considers only the documents and testimony from your fair hearing. You cannot add any new facts or documents on appeal; this is why it is important to present all your evidence (documents and testimony) at your fair hearing. If you send a written appeal to the BOA, DSHS will have a chance to respond in writing to your appeal, and vice versa.

The Review Judge will send a written decision to you and to DSHS. This is called a Review Decision. If you disagree with the Review Decision, you have the right to file a Petition for Review of Administrative Decision to the Superior Court of your county or to the Superior Court of Thurston County. If your fair hearing was about public assistance, there is no fee for filing your Superior Court case. If you decide to do this, it must be done within 30 days of the date of the Review Decision. If you are unable to find a lawyer to help you file your appeal to Superior Court, ask for our do-it-yourself packet How to Petition for Review from an Administrative Decision.

#### **Final Order:**

If your fair hearing notice has a "B" in the docket number, then you will receive a Final Order. If you or DSHS disagree with the ALJ's Final Order, neither of you can appeal to the BOA, but you both have the right to ask the ALJ to reconsider the decision s/he made. The decision on Reconsideration is the final agency decision. This means DSHS has to accept the decision and cannot appeal it to a higher court. If you disagree with the Reconsideration decision, you can appeal to a higher court by filing a Petition for Review of Administrative Decision. You also have the right to skip the request for Reconsideration and appeal a Final Order to Superior Court with a Petition for Review of Administrative Decision. See paragraph above for how to file this appeal.

Last Reviewed On: 03/22/04

<http://www.washingtonlawhelp.org/WA/index.cfm>



# **Section H**

## **FOOD ASSISTANCE**

- 1: Basic Food Program Eligibility**
- 2: Basic Food and College Students**
- 3: Immigrants and Basic Food**
- 4: Disaster Food Help**

Dear Self Advocate,

DSHS has created an online food calculator to show your food stamp amount. [http://foodhelp.wa.gov/bf\\_benefit\\_estimator.htm](http://foodhelp.wa.gov/bf_benefit_estimator.htm) If you don't have access to a computer and want to figure your food stamps, call POWER. We will walk through the form with you. Here are your rights around applying for and having food benefits. Good luck.

## Basic Food Program Eligibility

### Can I get Basic Food right away? WAC 388-406-0015

**(1) When the department gets your Basic Food application, we look at your circumstances at the time you applied to see if you can get benefits within five calendar days. This is called "expedited service."**

**(2) To get expedited service, you must provide proof of who you are and meet one of the following conditions:**

(a) Have gross monthly income (before taxes), minus exclusions as defined in WAC [388-450-0015](#), of under one hundred fifty dollars **and** have available cash of one hundred dollars or less; or

(b) Have gross monthly income (before taxes), minus exclusions as defined in WAC [388-450-0015](#), **plus** available cash of less than your total shelter costs (rent or mortgage and the utility allowance you are eligible for under WAC [388-450-0195](#)); or

(c) Be a destitute migrant or seasonal farm worker household, under WAC [388-406-0021](#), **and** your household's available cash is one hundred dollars or less.

**(3) If you are eligible for expedited service and are not required to have an office interview under WAC [388-452-0005](#), you can have a telephone interview and still get benefits within five days.**

**(4) If you are applying for Basic Food, "day one" of your five-day expedited service period starts on the:**

(a) Day after the date you filed your application;

(b) Date you are released from a public institution; or

(c) Date of your interview if you:

(i) Waived your expedited interview and we decide you are eligible for expedited service during your rescheduled interview; or

(ii) Were screened as ineligible for expedited service and we later determine you are eligible for the service during your interview.

**(5) If you get expedited service, we only require verification of your identity to provide your first benefit issuance within five days. Other required verifications may be postponed.**

**(6) All postponed verification must be provided for your ongoing eligibility to be determined and any additional benefits to issue. If you applied:**

(a) On or before the 15th of the month, we issue one month's benefits and you have up to thirty days from the date of application to give us any postponed verification; or

(b) On or after the 16th of the month, we issue two months' benefits and you have until the end of the second month to give us any postponed verification.

**(7) If we can determine ongoing eligibility at your interview and do not need to postpone any required verifications, we will assign you a regular certification period as described in WAC [388-416-0005](#).**

**(8) If you have received expedited service in the past, you can get this service again if you meet the requirements listed in subsection (2) above and you:**

(a) Gave us all the information we needed to determine ongoing eligibility for your last expedited service benefit period; or

(b) Were certified under normal processing standards after your last expedited certification.

**(9) If you reapply for benefits:**

(a) Before your certification period ends, you are not eligible for expedited service;

(b) After your certification period ends, your five-day expedited service period is the same as a new application;

(c) While you receive transitional food assistance as described in chapter [388-489](#) WAC, you are not eligible for expedited service.

**(10) If you are denied expedited service, you can ask for a department review of our decision. We review the decision within two working days.**

## **Who is in my assistance unit for Basic Food? WAC 388-408-0035**

**(1) For Basic Food, a person must be in your assistance unit (AU) if they live in the same home as you and:**

- (a) Regularly buy food or prepare meals with you; or
- (b) You provide meals for them and they pay less than a reasonable amount for meals.

**(2) If the following people live with you, they must be in your AU even if you do not usually buy or prepare food together:**

- (a) Your spouse;
- (b) Your parents if you are under age twenty-two (even if you are married);
- (c) Your children under age twenty-two;
- (d) The parent of a child who must be in your AU;
- (e) A child under age eighteen who doesn't live with their parent unless the child:
  - (i) Is emancipated;
  - (ii) Gets a TANF grant in their own name; or
  - (iii) Is not financially dependent on an adult in the AU because they get and have control of income of at least the TANF payment standard under WAC [388-478-0020](#)(2) before taxes or other withholdings.

**(3) If any of the people in subsections (1) or (2) already receive transitional food assistance under chapter [388-489](#) WAC, you can only receive benefits if they choose to reapply for Basic Food as described in WAC [388-489-0020](#).**

**(4) If you live in an institution where you may be eligible for Basic Food under WAC [388-408-0040](#), we decide who is in your AU as follows:**

- (a) If the facility is acting as your authorized representative under WAC [388-460-0015](#), we include you and anyone who must be in your AU under subsection (2) of this rule; or
- (b) If you apply for benefits on your own, we include you, anyone who must be in your AU under subsection (2) of this rule, and other residents you choose to apply with.

**(5) Anyone who must be in your AU under subsection (1) or (2) is an ineligible AU member if they:**

- (a) Are disqualified for an intentional program violation (IPV) under WAC [388-446-0015](#);
- (b) Do not meet ABAWD work requirements under WAC [388-444-0030](#).
- (c) Do not meet work requirements under WAC [388-444-0055](#);
- (d) Do not provide a Social Security number under WAC [388-476-0005](#);
- (e) Do not meet the citizenship or alien status requirements under chapter [388-424](#) WAC;
- (f) Are fleeing a felony charge or violating a condition of parole or probation under WAC [388-442-0010](#).

**(6) If your AU has an ineligible member:**

- (a) We count the ineligible member's income as part of your AU's income under WAC [388-450-0140](#);
- (b) We count all the ineligible members resources to your AU; and
- (c) We do not use the ineligible member to determine your AU's size for the maximum income amount or allotment under WAC [388-478-0060](#).

**(7) If the following people live in the same home as you, you can choose if we include them in your AU:**

- (a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the one hundred sixty-five percent standard under WAC [388-478-0060](#);
- (b) A boarder. If you do not include a boarder in your AU, the boarder cannot get Basic Food benefits in a separate AU;
- (c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get Basic Food benefits in a separate AU;
- (d) Roomers; or
- (e) Live-in attendants even if they buy or prepare food with you.

**(8) If someone in your AU moves out of your home for at least a full issuance month, they are not eligible for benefits as a part of your AU, unless you receive transitional food assistance.**

**(9) For transitional food assistance, your TFA AU includes the people who were in your Basic Food AU for the last month you received:**

- (a) Temporary assistance for needy families;
- (b) State family assistance; or
- (c) Tribal TANF benefits.

**(10) If someone received Basic Food or food stamps in another AU or another state, they cannot receive benefits in your AU for the same period of time with one exception. If you already received Basic Food, food stamp, or transitional food assistance benefits:**

- (a) In another state, you are not eligible for Basic Food for the period of time covered by the benefits you received from the other state; or
- (b) In another AU, you are not eligible for Basic Food in a different AU for the same period of time;
- (c) In another AU, but you left the AU to live in a shelter for battered women and children under WAC [388-408-0045](#), you may be eligible to receive benefits in a separate AU.

**(11) The following people who live in your home are not members of your AU. If they are eligible for Basic Food, they may be a separate AU:**

- (a) Someone who usually buys and prepares food separately from your AU if they are not required to be in your AU; or
- (b) Someone who lives in a separate residence.

**(12) A student who is ineligible for Basic Food under WAC [388-482-0005](#) is not a member of your AU.**

## **College Students and Basic Food**

### **How does being a student impact my eligibility for the Washington Basic Food program? WAC 388-482-0005**

#### **(1) For Basic Food, we consider you a student if you are:**

- (a) Age eighteen through forty-nine;
- (b) Physically and mentally able to work; and
- (c) Enrolled in an institution of higher education at least half-time as defined by the institution.

#### **(2) An institution of higher education is:**

- (a) Any educational institution that requires a high school diploma or general education development certificate (GED);
- (b) A business, trade, or vocational that requires a high school diploma or GED; or
- (c) A two-year or four-year college or university that offers a degree but does not require a high school diploma or GED.

#### **(3) If you are a student, you must meet one of the following conditions to be eligible for Basic Food:**

- (a) Have paid employment of twenty hours per week.
- (b) Be self-employed, work, and earn at least the amount you would earn working twenty hours at the federal minimum wage;
- (c) Be participating in a state or federal work study program at the time you applied for Basic Food benefits. For the purpose of being eligible for Basic Food, work study is:
  - (i) Working and receiving money from the work study program; and
  - (ii) Not turning down a work assignment.
- (d) Be responsible for more than half the care of a dependent person in your assistance unit (AU) who is age five or younger;
- (e) Be responsible for more than half the care of a dependent person in your AU who is between age six and eleven if we have determined that there is not adequate child care available during the school year to allow you to:

- (i) Attend class and satisfy the twenty-hour work requirement; or
  - (ii) Take part in a work study program.
- (f) Be a single parent responsible for the care of your natural, step, or adopted child who is eleven or younger;
- (g) Be an adult who has the parental responsibility of a child who is age eleven or younger if none of the following people live in the home:
- (i) The child's parents; or
  - (ii) Your spouse.
- (h) Participate in the WorkFirst program under WAC [388-310-0200](#);
- (i) Receive TANF or SFA benefits;
  - (j) Attend an institution of higher education through:
    - (i) The Workforce Investment Act (WIA);
    - (ii) The food stamp employment and training program under chapter [388-444](#) WAC;
    - (iii) An approved state or local employment and training program; or
    - (iv) Section 236 of the Trade Act of 1974.

**(4) If you are a student and the only reason you are eligible for Basic Food is because you participate in work study, you are only eligible while you work and receive money from work study. If your work study stops during the summer months, you must meet another condition to be an eligible student during this period.**

**(5) If you are a student, your status as a student:**

- (a) Begins the first day of the school term; and
- (b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.

**(6) We do not consider you a student if you:**

- (a) Graduate;



- (b) Are suspended or expelled;
- (c) Drop out; or
- (d) Do not intend to register for the next school term other than summer.

## **Immigrants and Basic Food**

**If I am not eligible for federally-funded benefits through Washington Basic Food program because of my alien status, can I receive state-funded Basic Food? WAC 388-400-0045**

**(1) If you are not eligible for federally-funded Basic Food benefits because you do not meet the alien status requirements under WAC [388-424-0020](#), you may be eligible for state-funded Basic Food if you meet both of the following requirements:**

- (a) You are a Washington state resident; and
- (b) You meet the immigrant eligibility requirements under WAC [388-424-0025](#).

**(2) State-funded Basic Food follows the same eligibility rules as federally-funded Basic Food except for rules related to alien status. A summary of the rules for Basic Food is found in WAC [388-400-0040](#).**

**(3) Some assistance units (AUs) may receive a combined benefit of both state and federal Basic Food benefits. Your AU's maximum allotment of Basic Food benefits is found under WAC [388-478-0060](#).**

## **Disaster Food Help**

### **Disaster food stamp program. WAC 388-437-0001**

**(1) In the event of a disaster, the department works with the United States Department of Agriculture, Food and Nutrition Services (FNS) to change some requirements for the Washington Basic Food program and help ensure that people in a disaster area have access to food. This is known as the disaster food stamp program.**

**(2) If the President of the United States has declared a portion of the state as a federal disaster area, we ask FNS to allow use of the disaster food stamp program for the areas impacted by the disaster. Both of the following conditions must be met:**

- (a) People's normal access to buy food has been disrupted; and**
- (b) These commercial channels have since been restored with reasonable access and sufficient food supplies as determined by FNS.**

**(3) The department will implement any disaster food stamp program as approved by FNS.**

### **Who is eligible for transitional food assistance? WAC 388-489-0005**

If your family stops receiving temporary assistance for needy families cash benefits, including benefits from a tribal program, you will be eligible for transitional food assistance for up to five months if you meet all the following eligibility requirements:

**(1) Your family was receiving Basic Food at the time we determined you were no longer eligible for temporary assistance for needy families;**

**(2) After your family stops receiving temporary assistance for needy families, no other member of your Basic Food assistance unit continues to receive temporary assistance for needy families;**

**(3) Your family did not move out of the state of Washington (WAC [388-468-0005](#));**

**(4) Your family was not in sanction status at the time your temporary assistance for needy families grant ended. Sanction status means:**

- (a) We reduced or stopped your family's temporary assistance for needy families grant payment because a family member is not:**

- (i) Meeting WorkFirst program requirements (WAC [388-310-1600](#)); or
  - (ii) Cooperating with the division of child support (WAC [388-422-0100](#)); or
- (b) We decided that a member of your family was not eligible for temporary assistance for needy families because the member:
- (i) Failed to meet teen parent living arrangement (WAC [388-486-0005](#)) or teen parent school attendance requirements (WAC [388-410-0010](#)); or
  - (ii) Was convicted of unlawful practices (WAC [388-446-0005](#)) or for receiving temporary assistance for needy families in two or more states at the same time (WAC [388-446-0010](#)); or
- (c) If you are receiving temporary assistance for needy families benefits from a tribal program, your family's grant is reduced or stopped for a reason that is the same as one of the reasons listed in (4)(a) or (4)(b) of this section.

**(5) At the time your family's temporary assistance for needy families grant ended, your Basic Food assistance unit did not become ineligible because:**

- (a) You were applying for recertification of your Basic Food benefits and refused to cooperate with the application process; or
- (b) All members are ineligible for Basic Food for the reasons stated in WAC [388-489-0025](#)(3).

**(6) There is no limit to the number of times your family may leave temporary assistance for needy families and receive transitional food assistance.**

# **Section I**

## **MEDICAL COVERAGE**

- 1: State & Federal Medical Programs**
- 2: Programs for Children and Families**
- 3: Programs for People on General Assistance (GA) & ADATSA**
- 4: Programs For People On Or Related To Social Security**

# **Washington Medical Coverage:**

*Provided by: Northwest Health Law Advocates*

*“Promoting Health Care Justice for Washington Residents”*

## **State & Federal Medical Programs**

Many low-income people can get their medical care covered by medical programs run by the Department of Social and Health Services (DSHS). These programs are commonly referred to as “Medicaid”, but technically they are not all part of the Medicaid program. Some are Medicaid, and therefore federally and state funded, and some are funded only by the state. The programs are similar in that they fund medical care; they are different in name, each has slightly different financial and other eligibility requirements, and some of them fund different services.

### **Accessing DSHS Programs**

An individual should apply for DSHS medical coverage at the local Community Services Office (CSO). An individual need fill out only one application for all of the assistance needed, including cash, food and medical assistance. Simpler, specialized applications are available for children’s medical programs. For people who are hospitalized, hospital staff or companies they contract with can often assist with the application process.

### **Problem Solving**

Any time an individual disagrees with a DSHS decision, including a decision about eligibility for one program versus another, or the availability of a particular service, the individual has the option to use both formal and informal avenues to resolve the disagreement. Informally, it is often useful to make a call to a supervisor to see if it is possible to resolve the problem. For medical programs, there is also a toll-free hotline. If that does not work, either because of inaction or because the supervisor or hotline staff says no, a formal appeal can be filed. This is called an administrative hearing. See the section on [DSHS Hearings](#).

### **Medicare**

One medical program not run by DSHS is called Medicare. It is run by the federal government. People who are on Social Security Disability and Retirement benefits (Title II) are eligible for Medicare. For more information, see section on [Medicare](#).

### **List of Programs**

This list describes the major medical programs available for low-income people, but is not inclusive of all types of programs and coverage. For additional information about

DSHS programs please visit [the DSHS web site](#)  
Programs for Children and Families

1. Programs for Children and Families
  - Medical coverage for Pregnant women
  - Children's Healthcare Programs
  - Basic Health
2. Programs for People on General Assistance (GA) and ADATSA
  - GA-X (Medicaid)
  - GA-U medical
  - ADATSA medical
3. Programs for People on SSI or Social Security Disability or related to Social Security benefits
  - Medicaid for individuals on SSI (called Categorically Needy Medicaid by DSHS)
  - Medicaid for disabled or elderly individuals not on SSI (called Medically Needy Medicaid by DSHS)
  - Medicare (through Social Security Administration)
  - Medicare Buy-in or cost-sharing program (DSHS) (also called "Medicare Savings Programs)
  - Emergency Medicaid for immigrants (AEM program)
4. Family Planning "Take Charge"

NOTE: Unless the state is authorized to require some form of cost-sharing by recipients, medical providers participating in the Medicaid program may not charge recipients for their services covered by Medicaid. Acceptance of Medicaid reimbursement is payment in full. Medicaid clients may be billed only in limited situations. On the other hand, Medicare is structured so that the recipient is usually responsible for a portion of medical charges; hence the importance of qualifying for state buy-in and cost-sharing programs or obtaining private insurance to supplement Medicare coverage.

# Programs for Children and Families

## Family Medical

### Who is eligible?

Children and their parents or caretakers who are on WorkFirst/TANF or related to WorkFirst/TANF get categorically needy Medicaid. These families include:

- Families currently on WorkFirst/TANF (but immigrant families receiving State Family Assistance cash assistance are not eligible – consider [Basic Health](#))
- Families who may not be on WorkFirst/TANF but meet WorkFirst/TANF financial eligibility requirements for income and resources
- Families who do not qualify for WorkFirst/TANF because of certain requirements that do not apply to Medicaid, such as teen parent living arrangements or work requirements (including those “in sanction”)
- Families who have left WorkFirst/TANF or Medicaid because of earnings may be eligible for transitional Medicaid for up to 12 months
- Families who leave WorkFirst/TANF or Medicaid because of increased child support are eligible for extended medical benefits for up to 4 months.
- Families who receive “diversion assistance.”

There is no time limit for Family Medical coverage.

There are no work requirements for Family Medical coverage.

### What does the program cover?

Family Medical coverage provides Categorically Needy (CN) coverage, the broadest ranges of medical services DSHS provides. See [WAC 388-501-0060\(5\)](#), Healthcare coverage — Scope of covered categories of service.

Family Medical recipients are usually required to be in a managed care plan called **Healthy Options**. People in managed care are required to have a primary provider who is the gatekeeper to other medical providers and the plan determines which providers will be covered under their plan. There are exemptions from Healthy Options for certain reasons, including need to continue with a treating provider, homelessness, children with special health care needs or in foster care, and people having private insurance coverage in addition to Medicaid.

## Medical Coverage for Pregnant Women

### Who is eligible?

Pregnant women at any point in their pregnancy can qualify for medical coverage.

Pregnant women should apply for medical programs at the CSO office. The Department should first evaluate whether applicants qualify for Family Medical.

If pregnant applicants do not qualify for other coverage, they are eligible for medical coverage if they have income below 185% of the Federal Poverty Level (in 2009, this is \$2,247/month for two people, the pregnant woman and her unborn fetus). There is no

resource limit or immigration status requirement for pregnant women. Women are eligible for a 2-month postpartum extension of medical benefits, and family planning coverage beyond that time.

**What does the program cover?**

This program provides pregnant women with CN medical coverage. See [WAC 388-501-0060\(5\)](#), listing covered CN service categories.

Pregnant women receiving Medicaid are usually required to be in managed care (Healthy Options). See description under [Family Medical](#).

**Children's Healthcare Programs: "Apple Health for Kids"**

**Who is eligible?**

Newborns are automatically eligible for Apple Health for Kids if their mother received medical benefits at the time of the child's birth. The eligibility will last for 12 months. There are no income or resource limits.

Children under age 19 may be eligible for Apple Health if they live in families with income of less than 300% of the federal poverty level (FPL) (or \$4,578 per month for a family of three). To be eligible above 200% of FPL (\$3,052 per month), children must not be covered by other insurance, and families must pay a monthly premium to DSHS.

Income deductions and exclusions may apply. Even if income exceeds the above levels, families should be encouraged to apply. Eligibility for Apple Health does not require citizenship or immigrant status.

**What does the program cover?**

Children on Apple Health receive the CN scope of medical services. The general categories of CN service are listed in [WAC 388-501-0060\(5\)](#). Children receiving Apple Health are usually required to be in managed care (Healthy Options). See description under [Family Medical](#). Foster children and children with special health care needs are exempted from Healthy Options upon request.



## **Programs for People on General Assistance (GA) & ADATSA**

### **People Who Are On General Assistance May Get GA-X**

#### **Who is eligible?**

People who qualify for General Assistance and Medicaid get what is called GA-X. Immigrant eligibility depends on immigration status and date of entry into the United States.

The decision whether to award GA-X is made by a DSHS employee called the incapacity social worker (ISW) after the ISW has awarded GA financial assistance due to incapacity. The ISW then reviews the medical evaluation done for the GA application and determines whether the GA recipient is likely to meet SSI disability criteria. If so, they get GA-X.

GA recipients who are considered unlikely to meet SSI disability criteria are instead awarded GA-U medical (see below). Persons who are denied GA-X may appeal the decision and should be encouraged to do so.

- A person must apply for SSI and follow through on that application to be eligible for GA-X.
- A person is terminated from GA-X when the SSI application is denied and either not pursued or all administrative appeals are exhausted.

#### **What does the program cover?**

GA-X provides CN medical coverage, including:

- Physician services
- Prescriptions
- Hospital Care
- Vision care, mental health services, some dental, and other services which are “medically necessary”
- Retroactive coverage up to three months prior to application.

### **People On General Assistance May Get State Medical Assistance**

#### **Who is eligible?**

People on GA whom DSHS does not expect to qualify for SSI get state-funded GA-U medical coverage, called medical care services (MCS). Legal immigrants are eligible including those who are Permanently Residing Under Color Of Law (PRUCOL).

#### **What does the program cover?**

GA-U medical covers a more limited range of services than CN.

It does not cover:

- Mental health services (Will be available in all counties starting in November 2009)
- Dental coverage, except tooth extraction
- Hospice care
- Indian health center services
- Non-institutional personal care services
- Retroactive coverage (coverage dates from the first of the month in which the application is approved)

See [WAC 388-501-0060\(5\)](#), listing MCS covered service categories.

## **ADATSA (Alcoholism and Drug Addiction Treatment and Support Act)**

### **Who is eligible?**

People on ADATSA because of an incapacity caused by drug or alcohol addiction get state-funded medical coverage. Legal immigrants are eligible including those who are residing here under color of law (PRUCOL).

### **What does the program cover?**

This medical program covers the same limited range of services as the GA-U medical described above.

# **Programs For People On Or Related To Social Security**

## **"Categorically Needy" SSI Recipients & Others**

### **Who is eligible?**

People who are getting SSI because they are disabled (according to Social Security's definition), blind, or elderly (65 or older) and have limited income and resources are eligible for Medicaid. Immigrants who are eligible for SSI are eligible for this program. Some people with income over the SSI limit (such as disabled widows/widowers) qualify for Medicaid as "Categorically Needy" (CN).

### **What does the program cover?**

This program provides CN medical coverage. See [WAC 388-501-0060\(5\)](#), listing CN covered service categories.

Coverage goes back to the date of application once it is approved. There are no co-payments or deductibles for this program. Some people on SSI also receive some Social Security, along with Medicare coverage. For these "dual eligibles," most prescription drugs are available only through Medicare Part D, with DSHS paying the co payments. \

## **Disabled And Elderly But Not On SSI ("Medically Needy")**

### **Who is eligible?**

People not on SSI who are disabled (according to Social Security's definition), blind, or 65 or older but who have income over SSI limits (or are not on SSI for another reason) may be eligible for Medicaid as well. Resource limit is \$2,000 for an individual and \$3,000 for a couple. Immigrants may be eligible for this program, depending on immigration status and date of entry into the United States.

### **What does the program cover?**

Coverage is not as comprehensive as for people on SSI or GA-X. See [WAC 388-501-0060\(5\)](#), listing MN covered service categories.

For those on Medicare ("dual eligibles"), most prescription drugs are available only through Medicare Part D, with DSHS paying the co payments.

### **Spend downs**

The state may require a person to pay some of their medical costs, called a "spend down" amount. A spend down amount is an amount of medical bills a person must incur before DSHS will authorize coverage and pay for covered expenses.

The spend down amount is based on income. The amount by which countable income exceeds a certain level (\$674 in 2009 for one person, called the Medically Needy Income Level or MNIL) will be the spend down amount. There is a publication called ["Medicaid for Adults 65 and Older or Disabled Who Don't Get SSI"](#) that has a more complete explanation of how a spend down is calculated.

## **Medicare**

### **Generally**

Medicare is the federal health insurance program for people who are 65 or over or disabled according to Social Security's definition. It is run by the Social Security Administration. People apply at the Social Security office. Decisions about Medicare eligibility and about coverage for specific services can be appealed. Appeals should be filed with the Social Security Administration.

### **Who is eligible?**

Coverage begins at age 65, or two years after an individual becomes eligible for Social Security Disability Insurance (SSDI) benefits. There are no financial eligibility requirements.

### **What does Medicare cover?**

- Hospital Insurance—Part A: covers some of the cost of hospital and related care, home health care, hospice care and care in a skilled nursing facility following a hospital stay
- Medical Insurance—Part B: covers some of the cost of physician visits, outpatient hospital services, and other services. Medicare preventive health care or care received outside of the United States. In addition, Medicare requires recipients to pay premiums, deductibles, and co-payments. These premiums may be deducted from the recipient's monthly benefits check. For those who qualify, Medicaid will cover these premiums and many of the costs not paid by Medicare. See Section D.
- Prescription drugs –Part D: provides some coverage for prescription drugs starting January 2006. Enrollees must select a Prescription Drug Plan available in the region; each plan has its own drug formulary. "Dual eligibles" and others with limited income qualify for "extra help" – a Part D subsidy from the federal government. Additional information may be found at the [federal government's Medicare web site](#).

## **Medicare Buy-in Programs**

### **Who is eligible and what do these programs cover?**

These Medicaid programs pay Medicare premiums and cost-sharing for very low-income individuals. Qualified Medicare Beneficiary (QMB): An individual with income at or below 100% Federal Poverty Level (\$903 + \$20 disregard for one person, \$1,215 + \$20 disregard for two people) can get DSHS funding for their Medicare deductibles, co-payments, Part B premiums, Medicare Part C premiums for Part A and B of their Medicare coverage. They automatically get Medicare Part D without a premium and lower co payments. The resource limit is \$4,000 for an individual and \$6,000 for a couple.

Special Low-Income Medicare Beneficiary (SLMB): An individual with income between the Federal Poverty level and 120% of the Federal Poverty Level (\$1,183 + \$20 disregard for one person, \$1,457 + \$20 disregard for two people) can get funding for their Part B Premiums. They automatically get Medicare Part D without a premium and lower co payments. The resource limit is \$4,000 for an individual and \$6,000 for a couple (Note:

This resource limit will increase in January 2010 to the medicare Part D low-income subsidy resource standard).

Expanded Special Low-Income Medicare Beneficiary (ESLMB, or “QI-1”); and Qualified Disabled Working Individual (QDWI) are for those with income between 120% and 200% FPL. QI-1 clients have income below 135% FPL and qualify for Medicare Part D zero premium and lower co payments.

These programs are described on the [DSHS web site](#)

## **Long Term Care**

### **Who is eligible?**

People who qualify medically to receive the level of care in a nursing home can get Medicaid under “Institutional” and “waiver” Medicaid programs. These programs have more liberal income and resource rules than regular Medicaid, particularly for married people.

These recipients also get CN Medicaid to cover their other medical expenses, except clients on the small “Medically Needy waiver” programs get access to Medically Needy benefits instead. Clients in the waiver programs can receive services at home or in community-based facilities. Clients receiving CN Medicaid apart from a long term care program (such as clients receiving SSI) can get “Medicaid Personal Care” services instead; the level of care standard is less stringent for this program. Eligibility for nursing home and COPES programs are described in frequently revised pamphlets posted on the on the [Aging / Elder Law page of the Washington Law Help web site](#).

### **Transfer of asset restrictions**

In one respect, eligibility for long term care is more restrictive than eligibility for regular Medicaid programs. That is, clients may be made ineligible for giving away assets. “Transfer of assets” provisions are described in detail in the COPES and [Nursing Home pamphlets on Broad Coverage](#).

### **Broad coverage, flexible programs**

SSI-related (aged/blind/disabled) Medicaid recipients may have most, if not all, of their long term care expenses paid by the Medicaid long term care programs. Long term care expenses can include assistance with bathing, dressing, ambulation, toileting, and other “personal care” tasks, as well as with necessary daily living activities such as meal preparation, housekeeping, laundry and shopping. Washington’s programs cover long term care in nursing homes, in community based facilities (“assisted living,” boarding homes, adult family homes), or in the client’s own home. The waiver program covering most of the services outside nursing homes is called “COPES.” Another community-based waiver, now called “HCBS waivers” (formerly called “CAP”), provides long term care services to children and adults eligible for services from DSHS’s Division of Developmental Disabilities (DDD).

These recipients also get CN Medicaid to cover their other medical expenses, except clients on the small “Medically Needy waiver” programs get access to Medically Needy benefits instead. Clients in the waiver programs can receive services at home or in community-based facilities. Clients receiving CN Medicaid apart from a long term care program (such as clients receiving SSI) can get “Medicaid Personal Care” services instead; the level of care standard is less stringent for this program. Eligibility for nursing home and COPES programs are described in frequently revised pamphlets posted on the on the [Aging / Elder Law page of the Washington Law Help web site](#).

**Assessments for services: *The CARE tool controversy***

The amount of care paid for under the COPES and DDD waivers is now being assessed and awarded using an instrument known as the CARE tool. Although many clients have received the same or increased levels of service after assessment by this new instrument, some clients face large reductions. This has caused numerous administrative appeals and some litigation.

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# **Section J**

## **TEMPORARY ASSISTANCE TO NEEDY FAMILIES**

**1: General TANF Information**

**2: 5-Year TANF Time Limit**

**3: TANF for Teen Parents**

# General TANF Information

## Welfare Benefits: TANF Rules and Eligibility

by: Northwest Justice Project

Temporary Assistance for Needy Families (TANF) is the welfare program that gives cash grants to needy families. This program replaced the Aid to Families with Dependent Children (AFDC) program. TANF is administered by the Department of Social and Health Services (DSHS). This publication discusses who is eligible for TANF and what is required under the law. We have other relevant publications you may want to read, including [What are My Rights Dealing with DSHS](#). You have many important rights under the program, including the right to appeal DSHS decisions.

## How can I apply for TANF?

To get TANF you can apply in-person at your local DSHS Community Service Office (CSO) or by mail, or by fax, or by internet at [https://www2.wa.gov/dshs/onlineapp/introduction\\_1.asp](https://www2.wa.gov/dshs/onlineapp/introduction_1.asp). If you are disabled, you can get special help from DSHS in applying for benefits under DSHS' Necessary Supplemental Accommodations (NSA) services. See our publications [Necessary Supplemental Accommodations](#) and [Applying for Public Assistance](#).

You must be:

1. Low Income; (See Maximum Earned Income Table in this document)
2. Living in the U.S. legally; and
3. One of the following:
  - a pregnant woman **with no other children in the home** or
  - child(ren) under 18 and parent(s) who live together or
  - child(ren) who live with a relative or other custodial adult (also referred to as "in loco parentis") **or**
  - a child over 18, but under 19, who has not graduated from high school *and* who is a full time student at a secondary school or at a vocational or technical training **or**
  - a disabled person over 19 and under 21 who is participating in a full-time secondary school program or the same level of vocational training.
4. A Washington resident.



Other eligibility requirements are:

- TANF time limits have not expired or you have been granted an exemption from the time limit. See our publication Questions and Answers On The TANF Five-Year Time Limit;
- Provide social security number; and
- Have a face-to-face interview at initial certification (there are hardship exceptions).

### **Who is not eligible for TANF?**

You are not eligible for TANF if you are:

1. Convicted of a felony and fleeing to another state to avoid punishment; or
2. Violated probation or parole; or
3. A worker on strike; or
4. An undocumented immigrant; or
5. Child(ren) who live with a parent or adult relative whose sixty- month life TANF time limit expired..

You may be ineligible for TANF if you have been:

1. Convicted of a drug-related felony; or
2. Convicted of welfare fraud.

### **What are the other requirements once TANF benefits are approved?**

Once you and your family have been found eligible for TANF, you must do the following things in order to receive your grant:

1. Give DSHS the right to collect and keep child support as reimbursement for the TANF benefits you are awarded;
2. Cooperate with DSHS in establishing paternity and child support for your children UNLESS you can show DSHS that cooperation will harm you or your children. This is called "good cause" for not cooperating;
3. Cooperate with DSHS in a review of your eligibility at least once a year;

4. Cooperate with DSHS in a quality assurance review process;
5. Report to DSHS changes of circumstances;
6. Ensure that your child attends school. • If you have a child aged 16, 17, or under 19, that child must attend school in order to be eligible for TANF. If your child is not in school, his or her portion of the TANF grant may be taken away from your family's grant until he or she returns to school. If this child is your only child, both you and your child will lose TANF.
7. Participate in job search or work-related activities through the WorkFirst Program, unless you are exempt from this requirement. See our publication Questions and Answers about WorkFirst.

### **Who is Exempt from WorkFirst Activities?**

1. A person who is needed in the home to care for an infant. See our publication [WorkFirst for Families with Special Needs](#).
2. A caretaker relative (not a parent) who is 55 years or older.
3. A person with a severe and chronic disability.
4. A person who is needed in the home to care for a child with special needs or another related adult with a disability.
5. A person who is a victim of family violence. For more information, see our publication [WorkFirst and the Family Violence Amendment](#).

### **What are other requirements for teen parents?**

If you are under the age of 18 and unmarried and either pregnant or a parent, you must:

1. **Live in a DSHS-approved living situation** This means that you must live with either your parents, another adult relative, or any other "approved" adult. DSHS will presume that living with your parents is the best living situation, so in order to have a different living situation approved you must show DSHS that it is not in your best interests to live with your parents. **and**
2. **Be enrolled in high school or getting your GED (high school equivalency).** See our publication [TANF for Teen Parents](#).

## **How will DSHS decide financial eligibility for TANF?**

In deciding whether you can get TANF, money you get each month (income) and property you already have (resources) are usually counted.

### **1. Income**

DSHS has different rules for how they consider various kinds of unearned and earned income. For earned income, DSHS will count only 50% of your gross earned income toward your TANF grant.

EXAMPLE: If you earn \$600 per month gross, DSHS will count 50% of that amount, or \$300. Therefore, \$300 will be considered in determining your eligibility for TANF and it will be deducted from the amount of your TANF grant.

DSHS will not count the money you use to pay child support in determining your TANF grant.

### **TANF Maximum Earned Income Limits-**

- Due to Governor Gregoire's budget cuts, as of February 1<sup>st</sup>, 2011 These are the new, reduced, earned income limits:

**WAC 388-478-0035 Maximum earned income limits for TANF, SFA and RCA.** To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), or refugee cash assistance (RCA), a family's gross earned income must be below the following levels:

Number of Family Members	Maximum Earned Income Level	Number of Family Members	Maximum Earned Income Level
1	\$((718)) <u>610</u>	6	\$((1,732)) <u>1,472</u>
2	((906)) <u>770</u>	7	((2,000)) <u>1,700</u>
3	((1,124)) <u>955</u>	8	((2,214)) <u>1,882</u>
4	((1,322)) <u>1,124</u>	9	((2,430)) <u>2,066</u>
5	((1,524)) <u>1,295</u>	10 or more	((2,642)) <u>2,246</u>

**NOTE: For some families, other people's income will considered:**

- If you are a sponsored alien, DSHS may consider your sponsor's income.
- If you are a teen parent living at home, your parent's income will be considered.

**2. Resources** The following types of resources (property) are exempt and will not be counted in determining whether you are eligible for TANF:

- A vehicle with equity value up to \$5,000 (any equity over \$5,000 does count).
- A vehicle used to transport a family member with a disability (such as a van with a wheelchair ramp).
- Your home and surrounding property.
- Your household furnishings and personal possessions.
- Any term or burial insurance up to \$1500.
- A burial plot.
- Up to \$1,000 in non-exempt resources.

- Trust accounts when not available. Trust accounts are not available if the funds cannot be withdrawn and turned into cash.

**NOTE:** You If you are receiving TANF, your family may build up to \$3,000 more in savings accounts without losing your grant.

**TANF Grant: Payment Standards: WAC 388-478-0020** **Payment standards for TANF, SFA, and RCA.** As of February 1<sup>st</sup>, 2011, these are the reduced payment standards for TANF. Thanks to the Governor's budget cuts, the payments were reduced by 15%. **(1)** The payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units with obligations to pay shelter costs are:

Assistance Unit Size	Payment Standard
1	<del>\$((359))</del> <u>305</u>
2	<del>((453))</del> <u>385</u>
3	<del>((562))</del> <u>478</u>
4	<del>((664))</del> <u>562</u>
5	<del>((762))</del> <u>648</u>

Another of the Legislature's cruel budget cuts was to cap TANF at a family of five, no matter how many more people are in your family! **(2)** The payment standards for TANF, SFA, and RCA assistance units with shelter provided at no cost are:

Assistance Unit Size	Payment Standard
1	\$((218)) <u>185</u>
2	((276)) <u>235</u>
3	((341)) <u>290</u>
4	((402)) <u>342</u>

### **What if DSHS denies TANF or makes a decision about my TANF benefits and I do not agree with that decision?**

Anytime DSHS makes a decision affecting TANF benefits, you have the right to request a fair hearing to dispute that decision.

For example, you may request a hearing if DSHS denies your application, imposes WorkFirst requirements that you disagree with, "sanctions" your family (reduces the amount of the grant), or stops your TANF grant. See our publications [How to Fight a Denial of DSHS Public Assistance](#) or [How to Fight a Termination or Reduction of DSHS Public Assistance](#).

***IMPORTANT:*** *If you receive a notice that DSHS is going to reduce or terminate your TANF grant, you are usually entitled to continued assistance if you ask for a hearing within ten days of receiving the notice. It is very important that you specifically ask for continued assistance.*

Most DSHS notices are on computer-printed forms that refer to your fair hearing rights printed on the back. To request a fair hearing, fill out a Fair Hearing Request at your local DSHS office or write to the Office of Administrative Hearings, PO Box 42489, Olympia, WA 98504. **You must ask for your hearing no later than 90 days after the date you were denied.** If it is an emergency, you may ask to have your hearing held as soon as possible by calling the Office of Administrative Hearings at (360) 664-8717 or 1-800-583-8271. This is called an "expedited" hearing. Otherwise, your hearing will probably be 20 days or more after you ask for it. Once you have asked for a hearing, you may discuss your

case with the fair hearing coordinator at your local DSHS office. The Office of Administrative Hearings will then set a date for fair hearing, which will be held in front of an administrative law judge. You have the right to present evidence and witnesses on your behalf. You will have the right to see and get copies of papers in your file. You may bring a lawyer or any other person to the hearing to represent you. You may seek legal advice and assistance prior to your hearing in order to prepare to present your case. Call [CLEAR](#) or your local legal services office with questions and see our publication [Representing Yourself in a Fair Hearing](#).

## 5-Year TANF Time Limit

We copied these WACs (Washington Administrative Code) from the internet so you can know your rights. You can find a complete list at the Washington State Legislative site at the laws and agency rules link. All WACs guiding DSHS (the Department of Social and Health Services) start with 388. You can also find other handy information there, like who are your elected officials and how you can contact them. Let them know if your caseworker is not following the rules or if there are changes you would like to see at DSHS.

Thanks to Governor Gregoire's budget cut decisions, DSHS will now be cutting people off of TANF/SFA once they have been on for 60 months, unless you meet the following exceptions. If you qualify, ask for the extensions. If you are denied, ask for a fair hearing. If you ask for your fair hearing within 10 days of learning about their decision to terminate your TANF, your benefits must be continued until your hearing. If you have any difficulty understanding these WACs or have further questions, contact POWER at 360-352-9716, toll free 1-866-343-9716, [info@mamapower.org](mailto:info@mamapower.org)

### **TANF/SFA time limit extensions WAC 388-484-0006**

**(1)** What happens after I receive sixty or more months of TANF/SFA cash assistance?

After you receive sixty or more months of TANF/SFA cash assistance, you may qualify for additional months of cash assistance. We call these additional months of TANF/SFA cash assistance a hardship TANF/SFA time limit extension.

**(2)** Who is eligible for a hardship TANF/SFA time limit extension?

Effective February 1, 2011, you are eligible for a hardship TANF/SFA time limit extension if you are on TANF or otherwise eligible for TANF, have received sixty cumulative months of TANF and:

**(a)** You are approved for one of the exemptions from mandatory participation according to WAC 388-310-0350 (1)(a) through (d); or

**(b)** You:

**(i)** Have an open child welfare case with a state or tribal government and this is the first time you have had a child dependent under RCW 13.34.030 in this or another state or had a child a ward of a tribal court; or

**(ii)** Are working in unsubsidized employment for thirty-two hours or more per week; or

**(iii)** Document that you meet the family violence option criteria in WAC 388-61-001 and are participating satisfactorily in specialized activities needed to address your family violence according to a service plan developed by a person trained in family violence.

**(3)** Who reviews and approves a hardship time limit extension?



**(a)** Your case manager or social worker will review your case and determine whether a hardship time limit extension type will be approved.

**(b)** This review will not happen until after you have received at least fifty-two months of assistance but before you reach your time limit.

**(c)** Before you reach your time limit, the department will send you a notice that tells you whether a hardship time limit extension will be approved when your time limit expires and how to request an administrative hearing if you disagree with the decision.

**(4)** Do my WorkFirst participation requirements change if I receive a hardship TANF/SFA time limit extension?

**(a)** Even if you qualify for a hardship TANF/SFA time limit extension you will still be required to participate as required in your individual responsibility plan (WAC 388-310-0500). You must still meet all of the WorkFirst participation requirements listed in chapter 388-310 WAC while you receive a hardship TANF/SFA time limit extension.

**(b)** If you do not participate in the WorkFirst activities required by your individual responsibility plan, and you do not have a good reason under WAC 388-310-1600, the department will follow the sanction rules in WAC 388-310-1600.

**(5)** Do my benefits change if I receive a hardship TANF/SFA time limit extension?

**(a)** You are still a TANF/SFA recipient and your cash assistance, services, or supports will not change as long as you continue to meet all other TANF/SFA eligibility requirements.

**(b)** During the hardship TANF/SFA time limit extension, you must continue to meet all other TANF/SFA eligibility requirements. If you no longer meet TANF/SFA eligibility criteria during your hardship time limit extension, your benefits will end.

**(6)** How long will a hardship TANF/SFA time limit extension last?

**(a)** We will review your hardship TANF/SFA time limit extension and your case periodically for changes in family circumstances:

**(i)** If you are extended under WAC 388-484-0006 (2)(a) then we will review your extension at least every twelve months;

**(ii)** If you are extended under WAC 388-484-0006 (2)(b) then we will review your extension at least every six months.

**(b)** Your hardship TANF/SFA time limit extension may be renewed for as long as you continue to meet the criteria to qualify for a hardship time limit extension.

**(c)** If during the extension period we get proof that your circumstances have changed, we may review your case and determine if you continue to qualify for a hardship TANF/SFA time limit

extension. When you no longer qualify for a hardship TANF/SFA time limit extension we will stop your TANF/SFA cash assistance. You will be notified of your case closing and will be given the opportunity to request an administrative hearing before your benefits will stop.

## **WAC 388-310-0350**

### **WorkFirst —Exemptions from mandatory participation.**

#### **(1) When am I exempt from mandatory participation?**

You are exempt from mandatory participation if you are:

##### **(a) An older needy caretaker relative:**

- (i) You are fifty-five years of age or older and caring for a child and you are not the child's parent; and
- (ii) Your age is verified by any reliable documentation (such as a birth certificate or a driver's license).

##### **(b) An adult with a severe and chronic disability:**

- (i) The disability must be a severe and chronic mental, physical, emotional, or cognitive impairment that prevents you from participating in work activities and is expected to last at least twelve months; or
- (ii) You have been assessed by a DSHS SSI facilitator as likely to be approved for SSI or other benefits and are applying for SSI or another type of federal disability benefit (such as railroad retirement or Social Security disability); and
- (iii) Your disability is verified by documentation from the division of developmental disabilities (DDD), division of vocational rehabilitation (DVR), home and community services division (HCS), division of mental health (MHD), and/or regional support network (RSN), or evidence from another medical or mental health professional; and
- (iv) Your SSI application status may be verified through the SSI facilitator and/or state data exchange.

##### **(c) Required in the home to care for a child with special needs when:**

- (i) The child has a special medical, developmental, mental, or behavioral condition; and
- (ii) The child is determined by a public health nurse, physician, mental health provider, school professional, other medical professional, HCS, MHD, and/or a RSN to require specialized care or treatment that significantly interferes with your ability to look for work or work.

##### **(d) Required to be in the home to care for another adult with disabilities when:**

- (i) The adult with disabilities cannot be left alone for significant periods of time; and
- (ii) No adult other than yourself is available and able to provide the care; and
- (iii) The adult with the disability is related to you; and
- (iv) The disability is verified by documentation from DDD, DVR, HCS, MHD, and/or a RSN, or evidence from another medical or mental health professional.

**(2) Who reviews and approves an exemption?**

- (a) If it appears that you may qualify for an exemption or you ask for an exemption, your case manager or social worker will review the information and we may use the case staffing process to determine whether the exemption will be approved. Case staffing is a process to bring together a team of multidisciplinary experts including relevant professionals and the client to identify participant issues, review case history and information, and recommend solutions.
- (b) If additional medical or other documentation is needed to determine if you are exempt, your IRP will allow between thirty days and up to ninety if approved to gather the necessary documentation.
- (c) Information needed to verify your exemption should meet the standards for verification described in WAC 388-490-0005. If you need help gathering information to verify your exemption, you can ask us for help. If you have been identified as needing NSA services, under chapter 388-472 WAC, your accommodation plan should include information on how we will assist you with getting the verification needed.
- (d) After a case staffing, we will send you a notice that tells you whether your exemption was approved, how to request a fair hearing if you disagree with the decision, and any changes to your IRP that were made as a result of the case staffing.

**(3) Can I participate in WorkFirst while I am exempt?**

- (a) You may choose to participate in WorkFirst while you are exempt.
- (b) Your WorkFirst case manager may refer you to other service providers who may help you improve your skills and move into employment.
- (c) If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

**(4) Does an exemption from participation affect my sixty-month time limit for receiving TANF/SFA benefits?**

An exemption from participation does not affect your sixty-month time limit (described in WAC 388-484-0005) for receiving TANF/SFA benefits. Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit.

**(5) How long will my exemption last?**

Unless you are an older caretaker relative, your exemption will be reviewed at least every twelve months to make sure that you still meet the criteria for an exemption. Your exemption will continue as long as you continue to meet the criteria for an exemption.

**(6) What happens when I am no longer exempt?**

If you are no longer exempt, then:

(a) You will become a mandatory participant under WAC 388-310-0400; and

(b) If you have received sixty or more months of TANF/SFA, your case will be reviewed for an extension. (See WAC 388-484-0006 for a description of TANF/SFA time limit extensions.)

**(7) For time-limited extensions, see WAC 388-484-0006.**

**WAC 388-61-001**  
**Domestic Violence and TANF**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, allowed every state to create a program addressing family violence for temporary assistance for needy families (TANF) recipients.

**(1)** For TANF/state funded assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010(2) to any of the following:

(a) Physical acts that resulted in, or threatened to result in, physical injury;

(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 sexual abuse;

(f) Mental abuse;

(g) Neglect or deprivation of medical care; or

(h) Stalking.

**(2) DSHS must:**

- (a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF/SFA for a history of family violence;
- (b) Notify in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment;
- (c) Maintain confidentiality as stated in RCW 74.04.060;
- (d) Refer individuals needing counseling to supportive services;
- (e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or place victims at further risk of family violence. This may include:
  - (i) Time limits for TANF/SFA recipients, for as long as necessary (after fifty-two months of receiving TANF/SFA);
  - (ii) Cooperation with the division of child support.
- (f) Develop specialized work activities for family violence clients, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.

# **TANF for Teen Parents**

## **Temporary Assistance for Needy Families (TANF) for Teen Parents**

by: Northwest Justice Project

### **Introduction**

If you're a minor under the age of 18, low-income, and have children or are pregnant, you may be able to get help (money) from the state TANF program. Read on for answers to your questions about how to get TANF.

### **How can I get financial help for myself and my children?**

The state TANF program provides monthly cash help to families in need. If you're under 18, and you want these benefits, you must be:

- \* Low-income
- \* A parent or pregnant

To get the full TANF amount, you must also be:

- \* living with your parents, another adult relative, a legal guardian, or in a DSHS approved living situation; and
- \* in high school or in a GED program, and meeting that program's attendance requirements; or
- \* looking for a job, or otherwise participating in WorkFirst if you already have your diploma.

If you cannot get a full TANF grant because of the living situation rules and/or the school attendance rules, you can still get a TANF grant for your child. You can also get other DSHS benefits, such as food stamps and Medicaid, for your children and yourself.

To get TANF, go to your local welfare office (the Department of Social and Health Services, or DSHS) and ask for an application for TANF. You have the right to file a written application for benefits. You shouldn't be turned away at the front desk without filing an application. After you fill out the application, DSHS should decide within 30 days if you can get the benefits. If DSHS denies your application, or if over 30 days have passed and you haven't heard anything from DSHS about your benefits, contact a legal services program for help. The phone number for legal services is 1-888-201-1014.

### **What if DSHS says I cannot get TANF?**

If DSHS tells you that you can't get TANF benefits for yourself and/or your children, you have the right to ask for a "fair hearing." A fair hearing is a hearing with an administrative law judge. You get to tell the judge why you should get TANF. You may be able to get legal help for the hearing by contacting a legal services program. You may also bring another person to help you. You have the right to have witnesses and to show evidence to the judge. Our publication *Representing Yourself at a Fair Hearing* has more details.

To ask for a fair hearing, fill out a Fair Hearing Request at the welfare office or write to the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504. You must ask for your hearing no later than 90 days after the date you were denied. If it's an emergency, you may ask to have your hearing held as soon as possible by calling the Office of Administrative Hearings at (360) 664-8717 or 1-800-583-8271. This is called an "expedited" hearing.

### **If I get TANF, how much money will I get?**

The amount of TANF money you get depends on two things:

- \* how many children you have, and
- \* how much income you get from work or other sources.

If you're a single parent and have no other income, with one child, your TANF grant will be \$453 per month. If you have one child and you're not eligible for TANF yourself because of DSHS's living situation and/or school attendance rules, your child's TANF grant will be \$359 per month.

### **How will I be paid?**

All minors under 18 years old are paid through a "protective payee." A "protective payee" is an adult or agency that gets your check from DSHS and then pays your bills or gives you money to meet your and your child's needs.

### **Will my parents' income be considered for TANF?**

It depends on whether you live with your parents or not. If you live with them, their income will be counted in part. If you do not live with them, DSHS will contact your parents to ask if they will support you. DSHS will not contact them if you are married, or in the military, or emancipated.

### **Do I have to go to school if my child is a newborn?**

It depends on whether you live with your parents or not. If you live with them, their income will be counted in part. If you don't live with them, DSHS will contact your parents to ask if they'll support you. DSHS won't contact them if you're married, or in the military, or emancipated.

### **Do I have to go to school if I'm pregnant?**

Yes. If you'd otherwise be in school, you must remain in school until the baby's born.

### **What if I already have my diploma?**

If you've graduated from high school or have a GED, you'll have to participate in the WorkFirst program to get TANF benefits. Our publication *Questions and Answers About WorkFirst* has more information.

### **What if I don't want to live with my parents or legal guardian?**

Sometimes living with your parents or legal guardian can be difficult or dangerous. If you don't live with your parents because of abuse, or if you have another good reason why you can't live with your parents, tell the DSHS social worker assigned to your case why you can't live there. DSHS should allow you to live in a different living situation, such as with another adult relative or friend.

If DSHS thinks that you're in an "inappropriate living situation," they won't give you TANF. If this happens, you can ask for a fair hearing and ask the judge to approve your living situation. Contact a legal services program for help. The phone number for legal services is 1-888-201-1014.

### **May I live with the father of my child if he is 18 years or older?**

That depends on the age difference between you and the adult father of your child. If the adult father of your child is a certain number of years older than you, DSHS won't let you get TANF benefits if you live with him. Also, DSHS won't allow you to receive benefits while you live with an adult boyfriend who is a certain number of years older than you, even if he's not the father of your child. If you have questions about this rule, contact your legal services office.

### **May I get childcare while I am in school?**

Yes. As long as you're meeting the satisfactory attendance requirements of your high school or GED program, DSHS should pay for childcare during your school hours.

If DSHS refuses to pay for your childcare, ask DSHS for a fair hearing and call your legal services office for advice.

### **Can my child and I get help if I don't comply with all these rules?**

Yes. Even if you don't comply with the living situation and school attendance rules, your child can get a TANF grant. Also, If you're working with a DSHS social worker, you may be able to get Support Services money to get into school and/or get into a DSHS approved living situation. (Our publication DSHS Support Services for WorkFirst Participants has more information.)

Also, even if you don't comply with the living situation and school attendance rules, you can get other DSHS benefits such as food stamps and Medicaid for your children and yourself.



# **Section K**

## **WELFARE FRAUD**

*Dear Self Advocate,*

*After implementing a 60-month, retroactive time limit for TANF, reducing the TANF grant by 15% and closing the Child Support Pass-through, Governor Gregoire teamed up with DSHS to create the new Office of Fraud and Accountability and hire 6 new fraud investigators. During the worst recession since WWII, we need the government to be focused on maintaining the safety-net, not on criminalizing low-income people. Contact POWER to see how you can get involved in community efforts around this and other issues facing low-income people.*

## **What is the Division of Fraud Investigations?**

In the state of Washington, the Division of Fraud Investigations (DFI) has delegated authority to conduct investigations related to allegations of fraud within programs administered by the Department of Social and Health Services. Investigations focus on Welfare eligibility issues and Vendor Fraud. Investigators coordinate with staff at the Community Services Offices statewide; with county prosecutors; and with local, state, federal, and international law enforcement agencies when necessary.

## **What is Welfare Fraud in Washington State?**

Welfare Fraud is fraud against the programs of the Washington State Department of Social and Health Services (DSHS), including unlawful practices in obtaining cash assistance, medical assistance, and/or food assistance. It is the intentional misstatement or failure to reveal information affecting eligibility resulting in an overpayment. For further information about fraud against DSHS, please review the Eligibility A-Z Manual [Fraud Section](#), or see the entire [EAZ Manual](#).

The Division of Fraud Investigations (DFI) has the authority to investigate the following allegations:

- **Unreported Employment:** The client is suspected of not reporting employment.
- **Unearned Income:** The client is suspected of not reporting the receipt of recurring income not derived from employment.
- **Unreported Assets:** The client is suspected of having one or more of the following assets: Real estate, vehicles, boats, motor homes, non-recurring monetary holdings, etc.
- **Unreported Child Support:** The client is suspected of receiving unreported child support payments.
- **Unreported Marriage:** The client is suspected of not reporting a

marriage that may affect the grant amount.

- **Absent Parent in Home:** The client is suspected of not reporting the presence of an absent parent in the home. This includes stepparents.
- **Child Out of Home:** The client is suspected of applying for or receiving benefits for a child not present in the home.
- **Household Composition:** The client is suspected of receiving assistance for an ineligible dependent or has not accurately reported the correct number of persons living in the household.
- **Address Verification:** The client is suspected of not reporting their address information correctly.
- **Duplicate Grants:** The client is suspected of applying for or receiving grants under multiple names.
- **False Identity:** The client is suspected of submitting false identification to apply for or obtain a grant; or may be working under a false identity.
- **Felony Drug Conviction/Warrant:** The client is suspected of having a felony drug conviction after August 26, 1996, or is wanted on an outstanding felony warrant, which would make the client ineligible for welfare benefits.
- **Child Care Fraud:** The client is suspected of improperly receiving childcare payments or reporting a false provider.
- **EBT Fraud:** The client is suspected of fraudulently using their Quest card or allowing their Quest card to be used by an unauthorized person.
- **Other:** The client is suspected of any other improper procedure not covered by the other categories.

**WAC 388-472-0005****What are my rights and responsibilities?**

(1) Refuse to speak to a fraud investigator. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. Such a request will not affect your eligibility for benefits.

**WAC 388-446-0001****Cash and medical assistance fraud.**

(1) All cash or medical assistance cases in which substantial evidence is found supporting a finding of fraud are referred to the county prosecuting attorney. The prosecuting attorney's office determines which cases are subject to criminal prosecution.

(2) An applicant or recipient is suspected of committing fraud if intentional misstatement or failure to reveal information affecting eligibility results in an overpayment.

**WAC 388-446-0005****Disqualification period for cash assistance.**

(1) An applicant or recipient who has been convicted of unlawful practices in obtaining cash assistance is disqualified from receiving further cash benefits if:

(a) For TANF/SFA, the conviction was based on actions which occurred on or after May 1, 1997; or

(b) For general assistance, the conviction was based on actions which occurred on or after July 23, 1995.

(2) The disqualification period must be determined by the court and will be:

(a) For a first conviction, no less than six months; and

(b) For a second or subsequent conviction, no less than twelve months.

(3) The disqualification applies only to the person convicted and begins on the date of conviction.

(4) A recipient's cash benefits are terminated following advance or adequate notice requirements as specified in WAC [388-458-0030](#).

**WAC 388-446-0010**

**TANF disqualification period for fraud convictions of misrepresenting interstate residence.**

(1) An applicant or recipient is disqualified from receiving cash benefits under TANF if convicted of fraud by misrepresentation of residence in order to receive assistance from two or more states at the same time from any assistance program funded by the following:

- (a) TANF and any other benefit authorized by Title IV-A of the Social Security Act; or
- (b) Any benefit authorized by The Food Stamp Act of 1997; or
- (c) Any benefit authorized by Title XIX, medicaid; or
- (d) SSI benefits authorized by Title XVI.

(2) The disqualification penalty is applied as follows:

- (a) Only to convictions based on actions which occurred on or after May 1, 1997; and
- (b) Only to the person convicted of fraud in federal or state court; and
- (c) For a disqualification period of ten years or a period determined by the court, whichever is longer.

(3) The disqualification period begins the date the person is convicted of fraud by misrepresentation of residence in order to receive assistance from two or more states at the same time.

(4) The provisions of subsections (1) through (3) of this section do not apply when the President of the United States has granted a pardon for the conduct resulting in the conviction of fraud by misrepresentation of residence. The disregard of the provisions because of a pardon is effective the date the pardon is granted and continues for each month thereafter.

**WAC 388-446-0020**

**Food assistance disqualification penalties.**

(1) Disqualification penalties apply only to the person or persons found to have committed an intentional program violation (IPV) as follows:

- (a) If the intentional program violation occurred in whole or in part after the household was notified of the following penalties:
  - (i) Twelve months for the first violation;

(ii) Twenty-four months for the second violation;

(iii) Permanently for the third violation.

(b) If the violation ended before the household was notified of the penalties in subsection (1)(a) of this section:

(i) Six months for the first violation;

(ii) Twelve months for the second violation;

(iii) Permanently for the third violation.

**(2)** The disqualification and penalty period for a person convicted in another state stays in effect until satisfied regardless of where a person moves.

**(3)** Multiple program violations are considered as one violation when determining the penalty for disqualification when the violations occurred before the department notified the household of the penalties, as described in subsection (1), (4) and (5) of this section.

**(4)** Disqualification penalties for persons convicted by a federal, state, or local court of trading or receiving food coupons for a controlled substance are:

(a) Two years for a first conviction; and

(b) Permanently for a second conviction.

**(5)** A first conviction by federal, state, or local court permanently disqualifies persons who:

(a) Trade or receive food coupons for firearms, ammunition, or explosives; or

(b) Knowingly buy, sell, trade, or present for redemption food coupons totaling five hundred dollars or more in violation of section 15 (b) and (c) of the Food Stamp Act of 1977, as amended.

**(6)** Persons convicted of providing false identification or residency information to receive multiple coupon benefits are disqualified for ten years.

**(7)** When a court convicts a person of an IPV, the disqualification penalties specified in subsection (1) through (5) apply as follows;

(a) In addition to any civil or criminal penalties; and

(b) Within forty-five days of the date of conviction; unless

(c) Contrary to the court order.

**(8)** Disqualification penalties are applied after notifying the household of the disqualification, the effective date, the amount of benefits the household will receive during the disqualification period and the need to reapply when the certification period expires.

**(9)** Even though only the individual is disqualified, the food assistance household is responsible for making restitution for the amount of any overpayment.

# **Section L**

## **WELFARE REFORM AND GLOBAL ECONOMICS**

**1: Welfare Reform As Structural Adjustment**

**2: Afterword from *You Call This a Democracy?***



# **Welfare Reform As Structural Adjustment**

## **Can U.S. welfare reform be compared to structural adjustment in developing countries?**

We took the underlined topics below from a structural adjustment fact sheet developed by United for a Fair Economy, 2000 "Globalization for Beginners". We replaced structural adjustment facts in countries like Mexico, the Philippines and Peru and with facts we know to be true of welfare reform.

### **Cuts in Social Spending**

- ~ Welfare reform has severely reduced the numbers of those receiving welfare in all states as well as reduced participation in needed programs such as food stamps and medicaid.
- ~ Time limits have been introduced, two to five year lifetime limits for families receiving welfare.
- ~ Childcare assistance for higher education has been severely limited if not removed.

### **Reducing Governments Role**

- ~ The Federal government handed state governments full responsibility for creating and implementing all welfare programs. In some states that responsibility is handed down to the counties.

### **Privatization**

- ~ President Bush is strongly urging implementation of reform that would hand off the responsibility of welfare to churches and private social service agencies.

### **Removing Subsidies**

- ~ While benefit programs exist, people applying are often misinformed, harassed or intimidated and often lose hope and give up before receiving any assistance.
- ~ Welfare benefits continue to shrink, for example, in Washington state they are currently only 40% of the Federal Poverty Level and haven't been increased in sixteen years. In 1970, welfare benefits paid 100% of the FPL.

### **Cutting Wages**

- ~ Welfare recipients must take the first job offered or they will be sanctioned, regardless of whether the wage will support their family.
- ~ If a welfare recipient voluntarily quits a job, their grant can be terminated.
- ~ Welfare reform has severely limited people's ability to receive an education, thus keeping people in low wage jobs.

## **Afterword from *You Call This a Democracy?* Who Benefits, Who Pays, and Who Really Decides?**

By Paul Kivel

As the evidence in my book, *You Call This a Democracy?*, makes abundantly clear, we do not live in a democracy, a country run by the people for the people. A few thousand powerful individuals, the power elite—predominately white Christian men—run most of the major institutions in our society for the benefit of the ruling and managerial classes. They make the decisions about our employment and working conditions, our health, the legal system, who votes, whether we go to war, and the state of our neighborhoods and cities. The ruling class and power elite also decide who gets to run for higher political office, who wins, and what the winners can accomplish once in office.

It may be tempting to attach the label democracy to some aspects of this, such as voting, but the extreme concentration of wealth and power in the U.S. means that we are a long way from a real democracy even in the narrow arena of electoral politics.

As I write this follow-up to my book, the impact of undemocratic wealth and power has been revealed to a shocking extent by the destruction generated by Hurricane Katrina. The managerial and ruling classes have the transportation, mobility, connections, insurance, education, and skills to minimize the long-term damage to their lives. Many have certainly suffered heart-wrenching losses. But the majority of those dead, ill, stranded, without connections, influence, insurance, or the ability to move and find work are poor, are people of color, are women, are elderly, are people with disabilities, are children.

The coastal vegetation that provides some protection from hurricanes has been severely cut back for ruling class profit. The toxics in the water have been dumped by corporate polluters. The repairs to the levees were slowed to fund pork barrel projects for politicians. The National Guard troops and equipment for emergencies were deployed in Iraq to protect oil company profits. The contracts to provide aid and start the rebuilding are going to the same war profiteers, such as Halliburton and Bechtel, which have been pushing the overseas war drive. At every level of the disaster, class, race, and gender are markers of who benefits, who pays, and who really decides.

Not only do we not have a real political democracy in the U.S. but at the same time the power elite has hypocritically cloaked our foreign policy in a myth of exporting democracy to other countries. We are supposed to ignore the fact that our government has supported military dictatorships throughout the world and has actively worked to overthrow democratically elected governments in Iran, Guatemala, Nicaragua, Greece, Panama, Chile, Venezuela and other countries. We are supposed to ignore the fact that our government's policies have more to do with the control of strategic resources and the elimination of models of real democracy than with a concern for public participation and self-determination in other countries.

The myth of democracy in the U.S. and the good intentions of our foreign policy towards the rest of the world have been amplified by President Bush who speaks of the "world democratic movement" and the "global democratic revolution" and the "forward strategy of freedom"—all based on non-democratic U.S. military power and the invasion of other countries. New ruling class organizations,

such as the World Movement for Democracy and the Community of Democracies, as well as older groups, such as the National Endowment for Democracy, are using the mask of democracy to disguise their efforts to undermine the democratic aspirations of many peoples throughout the world.

What does democracy mean? Is it still a useful term? I think we need to embrace the concept of democracy but we need to have a much deeper understanding of it.

In the simplest sense, democracy means the participation in decision-making by the people affected by those decisions. With some exceptions, if someone is making decisions that affect your life without your participation then that is undemocratic.

It is not surprising that so many people have accepted a watered-down ruling class concept of democracy which is limited to the ability to vote once every four years for one of two hand-picked rich, white, Christian men. We are not educated in democracy and we are not given a daily opportunity to practice democracy. There is not democracy in our families, in our schools, in our workplaces, or in our neighborhoods. Most of us have never experienced a situation in which people come together and make decisions based on mutual respect, full inclusion, and equal participation. If this were truly a democracy, would we have so few opportunities to participate in decision-making?

We have much work to do to redefine the concept of democracy and to restructure the political, economic, cultural, and social institutions in our lives so that democratic participation is widespread, informed, and meaningful. We can each strengthen that work today by asking the following four questions about every situation we find ourselves in. Then we can begin to incorporate democratic practice into our daily lives.

Who is not included?  
Who is not respected?  
Whose voice is not heard?  
Whose vote does not count?

Those who are not included cannot be participants. We need to be constantly looking around the room and asking who is affected by what is decided here but is not present? Even if it delays the process, or takes more resources or accommodations, we have an obligation to insure that everyone who has a significant stake in the issue at hand is at the table.

Those who are included are not necessarily respected. Those who are not respected are not able to participate fully. Who is listened to and who is not? How are people, and the cultures, languages, histories, and experiences they bring, acknowledged, honored, and visible? What can we do to make sure that everyone is respected and feels respected?

Participating and being acknowledged are not the same as being heard. Often subtle (and sometimes not so subtle) levels of power and privilege prevent the full participation by everyone involved. What are the personal, organizational, or institutional barriers that prevent some voices from being heard while guaranteeing that the interests and needs of those with the most status, wealth, influence, or privilege will be responded to?

Finally we must ask whose vote does not count, or does not count as much as others. (I am using the word vote loosely because there are important and valuable ways to make decisions that don't rely on voting, such as different processes of consensus.) It is a false democracy if everyone is included, respected, and heard, but at the end of the day some people's votes don't count, or count for less than other people's. Of course there are situations, such as in our families, where adolescents and adults have more experience or ability to participate fully than young children. But even in our families, it is vital that we develop age-appropriate processes of participation for everyone.

Let's ask some hard questions about our own democratic practices. If you have children, how much democracy is there in your family? What kinds of discussions, family meetings, skills and experience would have to be developed so that every member of your family, at an age-appropriate level, would be able to participate in family decisions? What difference might this make in your family? In your children's lives? In your own life?

How much democracy is there in your workplace? Have you accepted undemocratic structures at work and yet said that you live in a democracy? What might it be like to work in a worker-managed workplace, or a co-op, or other, less-hierarchical structure? Is there anything you could do to push for more democratic processes where you work?

Why don't we teach about and practice democracy in our classrooms? We have a national government and ruling elite which talks about democracy but dictates educational standards from above, and every level of the educational system dictates to those below. Students receive education but don't have real opportunities to practice democracy. This process does not begin to prepare them to live in a democratic society.

Everyday we have an opportunity to practice democracy. We have an opportunity to challenge structures of inequality and structures which exclude, disrespect, silence or undermine the participation of marginalized groups. Everyday we have an opportunity to experiment with forms of participation that build relationships with others, unleash creative problem solving energy within a group, and challenge the false democracy that we are presented with.

Much of the resistance to the ruling class and power elite in the U.S. has come from bottom-up, grassroots, democratic organizing. The civil rights movement, the women's liberation movement, workers' movements, the lesbian/gay/bi/trans liberation, welfare rights, disability rights, anti-globalization, and anti-war movements were all built on people coming together in a variety of democratic processes involving collectives, support groups, direct action groups, meetings, forums, co-ops, consciousness raising groups, and councils.

The challenge to the myth of democracy promoted by those in power has always been the active practice of democracy by those of us getting together to build a better world. We must not be fooled by ruling class rhetoric. We must deepen and extend the practice of democracy into all the spheres of our lives. Only then will we be able to come together to build a society that is built on democratic participation and that nurtures and sustains the lives of all of its members.

You Call This a Democracy? Not yet, but we each have a role to play in making it happen.

# **Section M**

## **WORKFIRST**

**1: Individual Responsibility Plan**

**2: WorkFirst Support Services**

**3: WorkFirst for Non-English Speakers**

*Dear Self Advocate,*

*POWER members want you to know your rights. We copied these WACs (Washington Administrative Code) from the internet. You can find a complete list at the Washington State Legislative site at the laws and agency rules link. All WACs guiding DSHS (the Department of Social and Health Services) start with 388. You can also find other handy information there, like who are your elected officials and how you can contact them. Let them know if your caseworker is not following the rules or if there are changes you would like to see at DSHS.*

*Washington state law requires your caseworker to sit down with you and use your input to create your IRP. Unfortunately, what we hear from most people is that they are presented with a completed IRP and told to sign it or face sanction. However, by signing it you are agreeing to this particular plan for your future, so if it is not what you want to do, don't sign it. Change it to what you want to do, then sign it. Or ask your caseworker for a meeting to discuss your IRP. You can receive support services for any activities on your IRP, so be sure all your activities listed, even if they are not directly work related. Your additions to your IRP will have to meet WorkFirst requirements. If you are unclear about what that is, or if you are having a hard time getting your IRP accepted, contact POWER!*

## **Individual Responsibility Plan (IRP)**

### **WAC 388-310-0500 WorkFirst — Individual responsibility plan.**

#### **(1) What is the purpose of my individual responsibility plan?**

The purpose of your individual responsibility plan is to give you a written statement that describes:

- (a) What your responsibilities are; and
- (b) Which WorkFirst activities you are required to participate in; and
- (c) What services you will receive so you are able to participate.

#### **(2) What is included in my individual responsibility plan?**

Your individual responsibility plan includes the following:

- (a) What WorkFirst activities you must do and the participation requirements for those activities including the amount of time you will spend doing the activities, a start and end date for each activity and the requirement to participate fully.
- (b) Any other specific requirements that are tied to the WorkFirst work activity. For example, you might be required to learn English as part of your work experience activity.
- (c) What services we will provide to help you participate in the activity. For example, you may require support services (such as help with paying for transportation) or help with paying childcare.

(d) Your statement that you recognize the need to become and remain employed as quickly as possible.

**(3) How is my individual responsibility plan developed?**

You and your case manager will work together and use information gathered from your comprehensive evaluation (see WAC 388-310-0700) to develop your individual responsibility plan and decide what activities will be included in it. Then, your case manager will assign you to specific WorkFirst activities that will help you find employment.

**(4) What happens after my individual responsibility plan is completed?**

Once your individual responsibility plan is completed:

(a) You will sign and get a copy of your individual responsibility plan.

(b) You and your case manager will review your plan as necessary over the coming months to make sure your plan continues to meet your employment needs. You will sign and get a copy of your individual responsibility plan every time it is reviewed and changed.

**(5) What should I do if I cannot go to a required WorkFirst appointment or activity because of a temporary situation outside of my control?**

If you cannot participate because of a temporary situation outside of your control, you must call the telephone number shown on your individual responsibility plan on the same day you were to report when possible to explain your situation, or as soon as possible thereafter. You will be given an excused absence. Some examples of excused absences include:

(a) You, your children or other family members are ill;

(b) Your transportation or childcare arrangements break down and you cannot make new arrangements in time to comply;

(c) A significant person in your life died; or

(d) A family violence situation arose or worsened.

**(6) What happens if I don't call in on the same day I am unable to attend to get an excused absence?**

If you do not call in on the same day you are unable to attend to get an excused absence, it will be considered an unexcused absence.

If you exceed the number of unexcused absences allowed on your individual responsibility plan, without good cause, your case manager will begin the sanction process. (See WAC 388-310-1600 for more details.)

*Dear Self Advocate,*

*Support services should be available to anyone receiving TANF to support the activities listed in your IRP (Individual Responsibility Plan). You are also eligible after leaving TANF. You are eligible for up to \$3,000 a year in support services, but these can be hard to access. The chart (pg. 3) shows what's available and for what purposes. If you need more money than the limit, you can ask for an exception to rule. Ask for what you need and if you are refused ask for a fair hearing.*

## **WorkFirst Support Services**

### **WorkFirst — Support services. WAC 388-310-0800**

#### **(1) Who can get support services?**

People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated by a sanction review panel who are doing activities required to reopen cash assistance (WAC [388-310-1600](#));
- (c) Unmarried or pregnant minors who are income eligible to receive TANF and are:
  - (i) Living in a department approved living arrangement (WAC [388-486-0005](#)) and are meeting the school requirements (WAC [388-486-0010](#)); or
  - (ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.
- (d) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

#### **(2) Why do I receive support services?**

Although not an entitlement, you may receive support services for the following reasons:

- (a) To help you participate in work and WorkFirst activities that lead to independence.
- (b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.
- (c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter [388-290](#) WAC describes the rules for this child care assistance program.)

#### **(3) What type of support services may I receive and what limits apply?**



There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.
- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. When approved, safety-related support services can exceed the dollar or category limits listed below.
- Some support services are available if you need them for other required activities in your IRP.

**(4) What are the other requirements to receive support services?**

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

**(5) What happens to my support services if I do not participate as required?**

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$250 per program year	x	x	
License/fees	\$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$25 for immediate need, or  \$40 twice a month if you live within 40 miles of your local WorkFirst office, or  \$60 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	

Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

# **WorkFirst for Non-English Speakers**

## **WorkFirst for Those Who Don't Speak English**

by: Northwest Justice Project

The purpose of this publication is to help you make WorkFirst work best for you if you or someone in your family does not speak English. For more details about welfare benefits and your rights, please ask your legal services office or social worker for the other pamphlets mentioned below.

### **What should I do if I need welfare benefits and I don't speak English?**

If you do not speak English well, the welfare office is required to provide you with an interpreter so that you have the same access to cash, food and medical services as an English speaker. Be sure to mark on the application form if you have difficulty in reading, speaking or understanding English. The welfare office should provide you with a free interpreter without delay. The office should also send you translated notices about your benefits so that you can read about your rights and responsibilities in your own language. Keep a copy of the letters the welfare office sends you. When you take information to the office, ask them to make a copy for you to keep and stamp the date on both copies. If you have not received interpreters or notices in your own language and the welfare office has cut off your benefits, it may be that they will have to give you back your benefits.

### **Do I have to participate in WorkFirst even if I don't speak English?**

Yes, you must participate in WorkFirst. The welfare office policy is that even if you don't speak English, you may be able to get a job. However, if the welfare office wants you to attend job orientation classes or call employers to ask for interviews, the office must provide you with interpreters and translated materials to help you with these activities. If the welfare office refers you to another agency for these services, that agency must help you with interpreters and translated materials. In addition, the welfare office will soon refer all limited English speakers to an agency that will give you a test to determine your English level so that you may qualify for English as a Second Language classes and additional services. Be sure to ask the office to have your English level tested.

### **Can I go to English as a Second Language (ESL) classes before I look for a job?**

Yes, if your English level is low. Once your English language skills have been tested on a test called the CASAS test, you will be assigned a skill level.

- If you have little to no English skills you are considered to be non-proficient and you can receive intensive ESL for up to one year. This intensive ESL will be combined with job search activities which may increase as your English improves.

- If your English level is considered emerging or very limited, you will receive some ESL instruction combined with work activities.
- Finally, if you have a basic or limited command of English, you will begin with assisted job search and then move to other approved services in a bilingual setting. In that case you can still ask for ESL classes to be provided to you after you have started working so that you can improve your skills to help keep your job or get a better one.

**Can I also get help with training if I need to get some skills or experience so that I can get a job?**

Yes, but job training may only be provided before you start working if you can show you cannot get a job with your current level of skills and experience. You may also be eligible to get some help with training once you start working if you can show that you are already working 20 hours a week or more and need the training to improve your skills to get a better job.

**What if I disagree with the activities the Welfare office is asking me to do?**

If you disagree with the activities you are being asked to do, you should either tell your worker you want a Fair Hearing or ask for a copy of the Hearing Request form to fill out. (See our pamphlet *Representing Yourself at a Fair Hearing* for more information) You should also contact a legal services office for advice. You are entitled to have a plan, called an Individual Responsibility Plan, which sets out the ESL, job search and training activities you are eligible for. (See our pamphlet on "Individual Responsibility Plans" for a description of these plans and how you can ask for services.) If you cannot look for a job or attend training because you cannot find childcare, because you or a family member are sick or disabled, or because you are experiencing family problems such as domestic violence, you may be eligible to delay or cancel your participation in Work First. (Please see our other pamphlets "WorkFirst and The Family Violence Amendment" and "WorkFirst for Families with Special Needs" for more information.)

**What if I am told I am not eligible for services because of my immigration status or because I have a sponsor?**

If you are told you are not eligible for benefits because of your immigration status or because you have a sponsor, it is a good idea to check with a legal services office or other advocate to see if the welfare office is correct. Many new laws have changed the eligibility of some immigrants for benefits, but most legal immigrants ARE still eligible for benefits. Because these rules are complicated the welfare office staff may have made a mistake. Ask to see the rule that applies to your situation and speak with a supervisor, or check with a legal advocate before you give up hope of receiving any assistance.

**Can receiving public assistance prevent me or my family members from getting a green card (legal permanent residence)?**

No, not in most cases. That's because most of the benefits available to immigrants before they get their green cards are non-cash benefits like medical coupons or food stamps, which will not affect eligibility for a green card. If you are getting cash assistance and do not yet have a green card, or if you want more information on this issue see our pamphlet "Will Using Benefits Hurt My Chances of Getting a Green Card or Becoming a U.S. Citizen?"

*This publication provides general information concerning your rights and responsibilities.*

*It is not intended as a substitute for specific legal advice.*

*This information is current as of the date of its printing, December 2000.*