



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Social and Health Services, Economic Services Administration

Title of rule and other identifying information: (Describe Subject)

The department is proposing to amend WAC 388-454-0006 "The department makes background checks on adults who are acting in place of a parent without court-ordered custody", and other related rules as may be required. The proposed amendment will update WAC references made within WAC 388-454-0006 with current and accurate references.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Rules Coordinator
Agency: Department of Social and Health Services
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AND RECEIVED BY November 21, 2016

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed amendments will update WAC references to align with the current Children's Administration rules on the criminal background checks. There will be no policy changes with this amendment. Updating the WAC references will not change the effect of the rule, making this rule change appropriate for expedited rule-making under RCW 34.05.353.

Reasons supporting proposal:

Updating WAC references within WAC 388-454-0006 will direct readers to accurate references that are current.

Statutory authority for adoption:
RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.08.090

Statute being implemented:

Is rule necessary because of a:
Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2016

TIME: 2:21 PM

WSR 16-19-067

DATE
September 15, 2016

NAME (TYPE OR PRINT)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

Name of proponent: (person or organization): Department of Social and Health Services

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None.

WAC 388-454-0006 The department makes background checks on adults who are acting in place of a parent without court-ordered custody. (1) We check your background when you ask for temporary assistance for needy families (TANF) or state family assistance(SFA) benefits for a child who:

(a) Is not related to you; and

(b) Lives with you but you do not have a court order that gives you legal custody of the child.

(2) A child who is not related to you cannot receive TANF/SFA benefits while living with you until we have completed a background check and the results of the background check meet the criteria in subsection (3) through (5) of this section.

(3) A child who is not related to you cannot receive benefits while living with you if:

(a) You have been convicted of a crime listed in WAC 388-06A-0170; or

(b) You have been convicted of a crime listed in WAC 388-06A-0180 within the last five years.

(4) We review your background when you have been convicted of a crime listed in WAC 388-06A-0180 more than five years ago to determine your character, suitability, and competence to receive benefits for a child not related to you. We consider the following factors:

(a) The amount of time that has passed since you were convicted;

(b) The seriousness of the crime that led to the conviction;

(c) The number and types of convictions in your background; and

(d) Your age at the time of the conviction.

(5) When you have a conviction for a crime other than those listed in WAC 388-06A-0170 or 388-06A-0180 we review your background as described in subsection (4) (~~above~~) of this section.

(6) Expunged or sealed conviction records do not count against you.