



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 27, 2025

TIME: 8:02 AM

WSR 25-14-064

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

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) July 1, 2025

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: The department is adopting emergency amendments to WAC 388-410-0005, "*Cash assistance overpayment amount and liability.*" Effective July 1, 2025, these amendments implement provisions of Senate Bill 5079 (Chapter 331, Laws of 2025) related to the Aged, Blind, or Disabled (ABD) program.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 388-410-0005
Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120

Other authority: N/A

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Emergency adoption of these rules is necessary to implement provisions of Senate Bill 5079 (Chapter 331, Laws of 2025). The department is concurrently proceeding with the permanent rule making process, refer to CR-101 filed as WSR 25-12-008 on May 21, 2025.

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New Amended Repealed

The number of sections adopted on the agency’s own initiative:

New Amended Repealed

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New Amended Repealed

The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

Date Adopted: June 27, 2025	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-410-0005 Cash assistance overpayment amount and liability. (1) The amount of overpayment for cash assistance households is determined by the amount of assistance received to which the assistance unit was not entitled.

(2) Cash overpayments are recovered from:

(a) Any adult member of an overpaid assistance unit, whether or not the member is currently a recipient;

(b) Any assistance unit of which an adult member of the overpaid assistance unit has subsequently become a member; ~~((or))~~

(c) A nonneedy caretaker relative or guardian who received assistance for a child who is in the assistance unit ~~((or))~~ ; or

(d) An assistance unit when an unintentional overpayment of aged, blind, or disabled (ABD) cash assistance is established prior to July 1, 2025.

(3) A cash assistance overpayment is not recovered from:

(a) A child who was in the assistance unit at the time the overpayment was accrued; or

(b) A person not receiving assistance when an unintentional overpayment of less than ~~((thirty-five dollars))~~ \$35 is discovered, computed, or both.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount specified in (a) of this subsection; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a food assistance underpayment.

(6) An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

(7) All overpayments occurring after January 1, 1982 , are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

(8) The department will not establish unintentional overpayments, as defined in WAC 388-410-0001, of aged, blind, or disabled (ABD) cash assistance on or after July 1, 2025.