
SENATE BILL 5941

State of Washington

68th Legislature

2024 Regular Session

By Senator C. Wilson

Prefiled 01/02/24.

1 AN ACT Relating to clarifying requirements for subsidized child
2 care; amending RCW 43.216.1368, 43.216.1364, and 43.216.145;
3 reenacting and amending RCW 43.216.136; adding new sections to
4 chapter 43.216 RCW; recodifying RCW 43.216.136, 43.216.1364,
5 43.216.1368, 43.216.139, 43.216.141, 43.216.143, 43.216.145,
6 43.216.730, and 43.216.749; and repealing RCW 43.216.725 and
7 43.216.137.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 43.216.136 and 2023 c 294 s 1 and 2023 c 222 s 3 are
10 each reenacted and amended to read as follows:

11 GENERAL POLICIES. (1) The department shall establish and
12 implement policies in the working connections child care program to
13 promote stability and quality of care for children from low-income
14 households. These policies shall focus on supporting school readiness
15 for young learners. Policies for the expenditure of funds
16 constituting the working connections child care program must be
17 consistent with the outcome measures established by the department
18 and the standards established in this section intended to promote
19 stability, quality, and continuity of early care and education
20 programming.

1 (2) As recommended by P.L. 113-186, authorizations for the
2 working connections child care subsidy are effective for 12 months
3 (~~beginning July 1, 2016~~).

4 (a) A household's 12-month authorization begins on the date that
5 child care is expected to begin.

6 (b) If a newly eligible household does not begin care within 12
7 months of being determined eligible by the department, the household
8 must reapply in order to qualify for subsidy.

9 ~~(3) ((a) The department shall establish and implement policies in
10 the working connections child care program to allow eligibility for
11 families with children who:~~

12 ~~(i) In the last six months have:~~

13 ~~(A) Received child protective services as defined and used by
14 chapters 26.44 and 74.13 RCW;~~

15 ~~(B) Received child welfare services as defined and used by
16 chapter 74.13 RCW;~~

17 ~~(C) Received services through a family assessment response as
18 defined and used by chapter 26.44 RCW; or~~

19 ~~(D) A parent or guardian participating in a specialty court or
20 therapeutic court or who is a listed victim in a case in a specialty
21 court or therapeutic court;~~

22 ~~(ii) Have been referred for child care as part of the family's
23 case management as defined by RCW 74.13.020 or as part of the
24 specialty court or therapeutic court's proceedings; and~~

25 ~~(iii) Are residing with a biological parent or guardian.~~

26 ~~(b) Families who are eligible for working connections child care
27 pursuant to this subsection do not have to keep receiving services or
28 keep participating in a specialty court or therapeutic court
29 identified in this subsection to maintain 12-month authorization.~~

30 ~~(4) (a) Beginning July 1, 2021, and subject to the availability of
31 amounts appropriated for this specific purpose, the department may
32 not require an applicant or consumer to meet work requirements as a
33 condition of receiving working connections child care benefits when
34 the applicant or consumer is in a state registered apprenticeship
35 program or is a full-time student of a community, technical, or
36 tribal college and is enrolled in:~~

37 ~~(i) A vocational education program that leads to a degree or
38 certificate in a specific occupation; or~~

39 ~~(ii) An associate degree program.~~

1 ~~(b) An applicant or consumer is a full-time student for the~~
2 ~~purposes of this subsection if the applicant or consumer meets the~~
3 ~~college's definition of a full-time student.~~

4 ~~(c) Nothing in this subsection is intended to change how~~
5 ~~applicants or consumers are prioritized when applicants or consumers~~
6 ~~are placed on a waitlist for working connections child care benefits.~~

7 ~~(d) Subject to the availability of amounts appropriated for this~~
8 ~~specific purpose, the department may extend the provisions of this~~
9 ~~subsection (4) to full-time students who are enrolled in a bachelor's~~
10 ~~degree program or applied baccalaureate degree program.~~

11 ~~(5) The department may not consider the immigration status of an~~
12 ~~applicant or consumer's child when determining eligibility for~~
13 ~~working connections child care benefits.~~

14 ~~(6) (a) An applicant or consumer is eligible to receive working~~
15 ~~connections child care benefits for the care of one or more eligible~~
16 ~~children for the first 12 months of the applicant's or consumer's~~
17 ~~enrollment in a state registered apprenticeship program under chapter~~
18 ~~49.04 RCW when:~~

19 ~~(i) The applicant or consumer's household annual income adjusted~~
20 ~~for family size does not exceed 75 percent of the state median income~~
21 ~~at the time of application, or, beginning July 1, 2027, does not~~
22 ~~exceed 85 percent of the state median income if funds are~~
23 ~~appropriated for the purpose of RCW 43.216.1368(4);~~

24 ~~(ii) The child receiving care is: (A) Less than 13 years of age;~~
25 ~~or (B) less than 19 years of age and either has a verified special~~
26 ~~need according to department rule or is under court supervision; and~~

27 ~~(iii) The household meets all other program eligibility~~
28 ~~requirements.~~

29 ~~(b) The department must adopt a copayment model for benefits~~
30 ~~granted under this subsection, which must align with any copayment~~
31 ~~identified or adopted for households with the same income level under~~
32 ~~RCW 43.216.1368.~~

33 ~~(7)) (a) The department must extend the homeless grace period, as~~
34 ~~adopted in department rule as of January 1, 2020, from a four-month~~
35 ~~grace period to a 12-month grace period.~~

36 ~~(b) For the purposes of this ((section)) subsection, "homeless"~~
37 ~~means being without a fixed, regular, and adequate nighttime~~
38 ~~residence as described in the federal McKinney-Vento homeless~~
39 ~~assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1,~~
40 ~~2020.~~

1 ~~((8))~~ (4) For purposes of this section, "authorization" means a
2 transaction created by the department that allows a child care
3 provider to claim payment for care. The department may adjust an
4 authorization based on a household's eligibility status.

5 **Sec. 2.** RCW 43.216.1368 and 2023 c 222 s 4 are each amended to
6 read as follows:

7 GENERAL ELIGIBILITY REQUIREMENTS. (1) It is the intent of the
8 legislature to increase working families' access to affordable, high
9 quality child care and to support the expansion of the workforce to
10 support businesses and the statewide economy.

11 (2) ~~((Beginning October 1, 2021, a))~~ A family is eligible for
12 working connections child care when the household's annual income is
13 at or below 60 percent of the state median income adjusted for family
14 size and:

15 (a) The child receiving care is: (i) Less than 13 years of age;
16 or (ii) less than 19 years of age and has a verified special need
17 according to department rule or is under court supervision; and

18 (b) The household meets all other program eligibility
19 requirements established in this chapter or in rule by the department
20 as authorized by RCW 43.216.055 or 43.216.065 or any other authority
21 granted by this chapter.

22 (3) Beginning July 1, 2025, a family is eligible for working
23 connections child care when the household's annual income is above 60
24 percent and at or below 75 percent of the state median income
25 adjusted for family size and:

26 (a) The child receiving care is: (i) Less than 13 years of age;
27 or (ii) less than 19 years of age and has a verified special need
28 according to department rule or is under court supervision; and

29 (b) The household meets all other program eligibility
30 requirements established in this chapter or in rule by the department
31 as authorized by RCW 43.216.055 or 43.216.065 or any other authority
32 granted by this chapter.

33 (4) Beginning July 1, 2027, and subject to the availability of
34 amounts appropriated for this specific purpose, a family is eligible
35 for working connections child care when the household's annual income
36 is above 75 percent of the state median income and is at or below 85
37 percent of the state median income adjusted for family size and:

1 (a) The child receiving care is: (i) Less than 13 years of age;
2 or (ii) less than 19 years of age and has a verified special need
3 according to department rule or is under court supervision; and

4 (b) The household meets all other program eligibility
5 requirements established in this chapter or in rule by the department
6 as authorized by RCW 43.216.055 or 43.216.065 or any other authority
7 granted by this chapter.

8 ~~(5) ((a) Beginning October 1, 2021, through June 30, 2023, the~~
9 ~~department must calculate a monthly copayment according to the~~
10 ~~following schedule:~~

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$115 until December 31, 2021, and \$90 beginning January 1, 2022
Above 50 percent and at or below 60 percent of the state median income	\$115

20 ~~(b) Beginning July 1, 2023, the department must calculate a~~
21 ~~monthly copayment according to the following schedule:~~

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

31 ~~(c) Beginning July 1, 2025, the department must calculate a~~
32 ~~maximum monthly copayment of \$215 for households with incomes above~~
33 ~~60 percent and at or below 75 percent of the state median income.~~

34 ~~(d) Subject to the availability of amounts appropriated for this~~
35 ~~specific purpose, the department shall adopt a copayment model for~~
36 ~~households with annual incomes above 75 percent of the state median~~

1 income and at or below 85 percent of the state median income. The
2 model must calculate a copayment for each household that is no
3 greater than seven percent of the household's countable income within
4 this income range.

5 ~~(e) The department may adjust the copayment schedule to comply~~
6 ~~with federal law.~~

7 ~~(6))~~ The department must adopt rules to implement this section,
8 including an income phase-out eligibility period.

9 ~~((7) This section does not apply to households eligible for the~~
10 ~~working connections child care program under RCW 43.216.145 and~~
11 ~~43.216.1364))~~ (6) The department may not consider the citizenship
12 status of an applicant or consumer's child when determining
13 eligibility for working connections child care benefits.

14 (7) The income eligibility requirements in subsections (2)
15 through (4) of this section do not apply to households eligible for
16 the working connections child care program under sections 5 and 6 of
17 this act, RCW 43.216.145 (as recodified by this act), and 43.216.1364
18 (as recodified by this act).

19 NEW SECTION. Sec. 3. COPAYMENTS. (1) Effective until July 1,
20 2025, the department must calculate a monthly copayment according to
21 the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15
Above 20 percent and at or below 36 percent of the state median income	\$65
Above 36 percent and at or below 50 percent of the state median income	\$90
Above 50 percent and at or below 60 percent of the state median income	\$165

31 (2) Beginning July 1, 2025, the department must calculate a
32 monthly copayment according to the following schedule:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the state median income	Waived to the extent allowable under federal law; otherwise, a maximum of \$15

1	Above 20 percent and at or below 36 percent of the state median income	\$65
2		
3	Above 36 percent and at or below 50 percent of the state median income	\$90
4		
5	Above 50 percent and at or below 60 percent of the state median income	\$165
6		
7	Above 60 percent and at or below 75 percent of the state median income	\$215
8		

9 (3) Subject to the availability of amounts appropriated for this
10 specific purpose, the department shall adopt a copayment model for
11 households with annual incomes above 75 percent of the state median
12 income and at or below 85 percent of the state median income. The
13 model must calculate a copayment for each household that is no
14 greater than seven percent of the household's countable income within
15 this income range.

16 (4) The department may adjust the copayment schedule to comply
17 with federal law.

18 (5) The department must adopt rules to implement this section.

19 (6) This section does not apply to households eligible for the
20 working connections child care program under section 5 of this act,
21 RCW 43.216.145 (as recodified by this act), and 43.216.1364 (as
22 recodified by this act).

23 NEW SECTION. **Sec. 4.** EXCEPTIONS TO APPROVED ACTIVITY
24 REQUIREMENTS. (1)(a) Subject to the availability of amounts
25 appropriated for this specific purpose, the department may not
26 require an applicant or consumer to meet work requirements as a
27 condition of receiving working connections child care benefits when
28 the applicant or consumer is in a state registered apprenticeship
29 program or is a full-time student of a community, technical, or
30 tribal college and is enrolled in:

31 (i) A vocational education program that leads to a degree or
32 certificate in a specific occupation; or

33 (ii) An associate degree program.

34 (b) An applicant or consumer is a full-time student for the
35 purposes of this subsection if the applicant or consumer meets the
36 college's definition of a full-time student.

1 (2) Subject to the availability of amounts appropriated for this
2 specific purpose, the department may extend the provisions of this
3 section to full-time students who are enrolled in a bachelor's degree
4 program or applied baccalaureate degree program.

5 NEW SECTION. **Sec. 5.** CATEGORICAL ELIGIBILITY—CHILD PROTECTIVE,
6 CHILD WELFARE, OR FAMILY ASSESSMENT RESPONSE SERVICES AND
7 PARTICIPATION IN SPECIALTY COURTS. (1) The department shall establish
8 and implement policies in the working connections child care program
9 to allow eligibility for families with children who:

10 (a) In the last six months have:

11 (i) Received child protective services as defined and used by
12 chapters 26.44 and 74.13 RCW;

13 (ii) Received child welfare services as defined and used by
14 chapter 74.13 RCW;

15 (iii) Received services through a family assessment response as
16 defined and used by chapter 26.44 RCW; or

17 (iv) A parent or guardian participating in a specialty court or
18 therapeutic court or who is a listed victim in a case in a specialty
19 court or therapeutic court;

20 (b) Have been referred for child care as part of the family's
21 case management as defined by RCW 74.13.020 or as part of the
22 specialty court or therapeutic court's proceedings; and

23 (c) Are residing with a biological parent or guardian.

24 (2) Families who are eligible for working connections child care
25 pursuant to this subsection do not have to keep receiving services or
26 keep participating in a specialty court or therapeutic court
27 identified in this subsection to maintain 12-month authorization as
28 defined in RCW 43.216.136 (as recodified by this act) and have no
29 copayment.

30 NEW SECTION. **Sec. 6.** EXPANDED ELIGIBILITY—REGISTERED
31 APPRENTICESHIPS. (1) An applicant or consumer is eligible to receive
32 working connections child care benefits for the care of one or more
33 eligible children for the first 12 months of the applicant's or
34 consumer's enrollment in a state registered apprenticeship program
35 under chapter 49.04 RCW when:

36 (a) The applicant or consumer's household annual income adjusted
37 for family size does not exceed 75 percent of the state median income
38 at the time of application, or, beginning July 1, 2027, does not

1 exceed 85 percent of the state median income if funds are
2 appropriated for the purpose of RCW 43.216.1368(4) (as recodified by
3 this act);

4 (b) The child receiving care is: (i) Less than 13 years of age;
5 or (ii) less than 19 years of age and either has a verified special
6 need according to department rule or is under court supervision; and

7 (c) The household meets all other program eligibility
8 requirements established in this chapter or in rule by the department
9 in accordance with RCW 43.216.055, 43.216.065, and 43.216.136 (as
10 recodified by this act).

11 (2) The department must adopt a copayment model for benefits
12 granted under this subsection, which must align with any copayment
13 identified or adopted for households with the same income level under
14 section 3 of this act.

15 **Sec. 7.** RCW 43.216.1364 and 2023 c 222 s 2 are each amended to
16 read as follows:

17 EXPANDED ELIGIBILITY—CHILD CARE EMPLOYEES. (1) (~~Beginning~~
18 ~~October 1, 2023, a~~) A family is eligible for working connections
19 child care when the household's annual income is at or below 85
20 percent of the state median income adjusted for family size and:

21 (a) The child receiving care is: (i) Less than 13 years of age;
22 or (ii) less than 19 years of age and has a verified special need
23 according to department rule or is under court supervision;

24 (b) The applicant or consumer is employed in a licensed child
25 care center or family home provider, as verified in the agency's
26 electronic workforce registry; and

27 (c) The household meets all other program eligibility
28 requirements established in this chapter or in rule by the department
29 as authorized by RCW 43.216.055 or 43.216.065 or any other authority
30 granted by this chapter.

31 (2) The department must waive the copayment to the extent
32 allowable under federal law; otherwise, a maximum of \$15 for any
33 applicant or consumer that meets the requirements under this section.

34 **Sec. 8.** RCW 43.216.145 and 2020 c 339 s 1 are each amended to
35 read as follows:

36 EXPANDED ELIGIBILITY—HIGH SCHOOL STUDENTS OR STUDENTS WORKING
37 TOWARD A HIGH SCHOOL EQUIVALENCY CERTIFICATE. (1) A parent who is

1 attending high school is eligible to receive working connections
2 child care.

3 (2) A parent age (~~(twenty-one)~~) 21 years or younger who is
4 working toward completing a high school equivalency certificate is
5 eligible to receive working connections child care.

6 (3) When determining consumer eligibility and copayment under
7 this section, the department:

8 (a) Must, within existing resources, authorize full-day
9 subsidized child care during the school year in cases where:

10 (i) The parent is participating in (~~(one hundred ten)~~) 110 hours
11 of approved activities per month;

12 (ii) The household income of the parent does not exceed (~~(eighty-~~
13 ~~five)~~) 85 percent of the state median income at the time of
14 application; and

15 (iii) The parent meets all other program eligibility requirements
16 established in this chapter or in rule by the department as
17 authorized by RCW 43.216.055 or 43.216.065 or any other authority
18 granted by this chapter;

19 (b) May not consider the availability of the other biological
20 parent when authorizing care; and

21 (c) May not require a copayment.

22 NEW SECTION. Sec. 9. Sections 3 through 6 of this act are each
23 added to chapter 43.216 RCW and codified under the subchapter heading
24 of "subsidized child care."

25 NEW SECTION. Sec. 10. RCW 43.216.136, 43.216.1364, 43.216.1368,
26 43.216.139, 43.216.141, 43.216.143, 43.216.145, 43.216.730, and
27 43.216.749 are each recodified as sections in chapter 43.216 RCW to
28 be added under the subchapter heading of "subsidized child care."

29 NEW SECTION. Sec. 11. The following acts or parts of acts are
30 each repealed:

31 (1) RCW 43.216.725 (Subsidized child care report and assessment)
32 and 2011 1st sp.s. c 42 s 12; and

33 (2) RCW 43.216.137 (Working connections child care program—
34 Unemployment compensation) and 2011 c 4 s 17.

--- END ---