



HANDBOOK FOR WASHINGTON SENIORS:

Legal Rights and Resources

A Legal Voice Publication





Legal Voice envisions a world where every woman and girl enjoys economic, social, and political equality. We work toward this world by pursuing justice for all women and girls in the Northwest, through ground-breaking litigation, legislative advocacy, and educational tools to help individuals understand their rights and the legal system.

We work to ensure that all women and girls
have these fundamental rights:

To equal treatment and to be free from discrimination;
To decide when and how to form and maintain their families;
To be safe wherever they are;
To economic equality and independence; and
To be healthy and active.

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Seattle, Washington

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2nd Edition Preface

The population of people in Washington over the age of 65 is increasing rapidly, and will continue to grow in the coming decades. Seniors and their caregivers often face complex legal issues in multiple areas of their lives: health care, retirement, social security, estate planning, raising grandchildren, age discrimination, and more. Though Washington seniors have extensive legal rights and protections, many in this large and growing population are not aware of their rights or cannot access the resources they need to enforce them. Because Legal Voice specializes in legal issues affecting women and families, we resolved to meet this deepening need among these largely female populations.

Legal Voice's *Handbook for Washington Seniors: Legal Rights and Resources* provides an overview of legal issues facing seniors and the resources available to help them protect their health and economic security.

The idea for the Handbook was born in 2007, and was first proposed at a meeting of the Legal Voice Self Help Committee. The Senior Outreach Workgroup formed to understand and address the needs of Washington seniors. This project has been deeply collaborative from the beginning, engaging professionals across the state to provide their expertise and create a comprehensive resource for Washington seniors and their caregivers.

The 2nd edition of this handbook offers a completely revised Health Care chapter, an extended Immigration chapter, and many important updates and additions throughout the book. Resource lists in particular are a challenge to keep up-to-date; if you find a resource listing that needs updating, please let us know by emailing info@legalvoice.org or calling 206-682-9552 to leave a voicemail message. Legal Voice is pleased to offer the 2nd edition of this Handbook in the English and Spanish languages, both in print and online at www.legalvoice.org.

Similar Handbooks have been produced in a number of states, but this resource is the first of its kind in Washington. A unique focus of the Washington Handbook is our integration of issues and resources of special importance to rural, disabled, immigrant, limited English proficiency, and LGBTQ seniors throughout the Handbook.

We are very grateful to the attorneys, paralegals, and social service providers listed in the Acknowledgments who have written, researched, and reviewed the contents of this Handbook. We would also like to extend a very special "thank you" to the donors who have provided funds to help produce this Handbook, including the RealNetworks Foundation, the Norcliffe Foundation, the Department of Social and Health Services, the Older Women's League, Kristin Kennell, and many other Legal Voice donors. This Handbook would not have been possible without their generous support.

We hope that this Handbook is a useful tool for seniors, their family members and caregivers, and service providers in the community who serve seniors.

Chloë M. Phalan
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Caution

This Handbook is not intended to be and should not be used as a substitute for legal advice regarding specific factual situations. This Handbook cannot analyze your individual needs and concerns. If legal advice is required, the services of a lawyer should be sought. Please see the Legal Help chapter of this Handbook for information about how to obtain referrals to lawyers and other legal services. While we have attempted to include current information as of May 2016, laws can change and readers should consult a lawyer if they need to be sure that specific legal information is current.

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CHAPTER 1

Health Care

Medicare

What Is Medicare?

Medicare is a national health insurance program for:

- People age 65 or older who qualify;
- Some people of any age who have permanent disabilities; and,
- People of any age with certain medical conditions.

Medicare is administered by the Centers for Medicare and Medicaid Services (CMS), but the Social Security Administration (SSA) manages applications. There are four different Medicare Parts, called Part A, Part B, Part C, and Part D. *Details about each Part are discussed later in this section.*

Do I Qualify for Medicare?

You probably qualify for Medicare if:

1. You are age 65 or older;
2. You are a U.S. citizen or permanent legal resident; and
3. You:
 - a. Have worked long enough to be eligible for Social Security or Railroad Retirement benefits; or
 - b. Are a government employee who has paid a minimum amount of Medicare payroll taxes; or
 - c. You are a qualifying spouse or ex-spouse of someone who meets the above criteria.

If you are under 65 years old, you may qualify for Medicare if:

- You have received Social Security Disability Insurance (SSDI) benefits for 24 months, or
- You have end-stage kidney disease or Lou Gehrig’s disease (amyotrophic lateral sclerosis – ALS), or
- You have other special circumstances

For more information on this and other special circumstances that may qualify you for Medicare coverage, see the Medicare.gov page “Signing up for Medicare: special conditions,” listed under “General Information about Medicare Coverage” in Resources at the end of this section.

For more information on whether or not you are eligible for Social Security benefits and Medicare, see the “Social Security” section of the Financial Benefit Programs chapter in this Handbook and the Resources at the end of this section.

Does the Affordable Care Act (ACA) Apply to Me If I Am on Medicare?

Yes, everyone must have minimum essential coverage or pay a tax penalty, including people on Medicare. If you have Medicare Part A or Part C, you have minimum essential coverage. If you have only Medicare Part B, you do not have minimum essential coverage, and you will have to pay the tax penalty. *See “The Affordable Care Act (ACA)” section in this chapter for details about the ACA and minimum essential coverage.*

Did the ACA Change Medicare?

The ACA made only a few changes to Medicare, like covering screenings and preventive care, and making a fix to prescription drug coverage. *See description of Medicare Parts below.*

Does Medicare Pay for All of My Health Care Costs?

No. People on Medicare pay monthly premiums. They may also have to pay deductibles and co-payments. Financial assistance and savings options for Medicare costs are discussed later in this section. *See the “Private Health Insurance” section of this chapter for more information about premiums, deductibles, and co-payments.*

What Are the Different Medicare Parts?

Medicare Part A (Hospital Insurance): Medicare Part A helps pay for things like:

- **Inpatient Hospital Care:** Part A will pay for a semi-private room, meals, nursing, and drugs at a hospital or inpatient rehabilitation facility or for a long-term care hospital stay. It does not pay for private-duty nurses, TV or telephone calls in your room, or items like socks and razors or a private room.
- **Skilled Nursing Facility Care:** Part A covers a semi-private room, meals, and your care at a skilled nursing facility IF you are transferred directly from an inpatient hospital stay of at least 3 full days and your doctor certifies that you need the skilled nursing care. How much is paid for depends on how long you stay at the facility.
- **Home Health Care:** Part A will pay for the first 100 home health-care visits following a hospital stay if your doctor orders them. You may have additional visits covered by Part B if you qualify. Covered services include skilled nursing care and physical, speech, and occupational therapy. Personal care services are not covered. The care must be given by a Medicare-certified home health-care agency, and you must be homebound. Homebound means that it is too difficult for you to leave home to get this care.
- **Hospice Care:** Part A will pay for hospice care, which is for a person with a terminal illness whom a doctor certifies is expected to live six months or less. Hospice usually provides pain-relieving drugs, management of terminal illness symptoms, medical care, and other social services such as grief counseling. Hospice care can be given at your home or a medical facility. Medicare will also pay for some short-term hospital stays and inpatient care for caregiver respite.
- **Blood:** After a yearly “deductible” of 3 pints, Part A will pay for blood the hospital buys for you while you are inpatient.

For more information about Part A and what it covers, talk to your doctor *and see listings under “General Information about Medicare Coverage” in Resources at the end of this section. Also see “What is not covered by Parts A and B,” on the following page.*

Medicare Part B (Medical Insurance): Medicare Part B pays for things like:

- **Necessary and preventive medical care:** Part B will pay for care provided by doctors and other licensed medical providers. Part B generally covers all of the cost of preventive services and about 80% of the

costs of diagnosing or treating your medical conditions. Preventive care generally includes things like flu shots or certain medical screenings, like bone-density tests and cancer screenings.

- **Durable medical equipment:** Part B will pay for a range of durable medical equipment that has been prescribed by a doctor.
- **Certain other outpatient care:** Part B also covers other outpatient care, like certain mental health programs and certain drugs administered by a Medicare provider.
- **Home health-care services:** Part B will pay for some home health-care services not covered by Part A.
- **Emergency ambulance transportation:** In general, Part B pays for 80% of your needed emergency ambulance transportation to a hospital or a skilled nursing facility.
- **Blood:** After a yearly “deductible” of 3 pints, Part B will pay for the blood the hospital or clinic buys for you while you are outpatient. You will have to pay a copay for processing and handling for each pint.

For more information about Part B and what it covers, talk to your doctor *and see listings under “General Information about Medicare Coverage” in Resources at the end of this section. Also see “What is not covered by Parts A and B,” below.*

What is NOT covered by Part A and Part B: Here are a few examples of things not covered by Medicare Part A or Part B:

- Most long-term care (also called “custodial care”)
- Most dental care
- Eye examinations related to prescribing glasses
- Dentures
- Cosmetic surgery
- Acupuncture
- Hearing aids and exams for fitting them
- Routine foot care

This is just a sample of things not covered by Part A or B. *See “Is my test, item, or service covered?” under “General Information about Medicare Coverage” in Resources at the end of this section.*

Medicare Part C (Medicare Advantage): Medicare Part C, often called a “Medicare Advantage Plan,” is offered by private insurance companies. Medicare Advantage Plans include Health Maintenance Organizations, Preferred Provider Organizations, Private Fee-for-Service Plans, Special Needs Plans, and Medicare Medical Savings Account Plans. It includes the same coverage as Parts A and B together (except for hospice care) and you can choose to pay for additional benefits, like vision and dental coverage. If you have a Medicare Advantage Plan, you usually won’t need Medigap coverage (*see “What If I Have Health Care Costs Medicare Doesn’t Cover?” later in this section for information about Medigap*).

Not all Advantage Plans work the same way or have the same benefits, and these plans may cost more than buying Parts A and B separately. Make sure you live in a Medicare Part C service area and read the plan’s rules before purchasing an Advantage Plan. *See Resources at the end of this section for more information.*

Medicare Part D (Prescription Drug Plans): Medicare Part D is a Medicare prescription drug coverage plan offered by private insurance companies. It is available to everyone enrolled in Medicare. You can sign up for Part D even if you don’t currently need prescription drug coverage. If you choose not to have any prescription drug coverage – from Part D or another insurance plan – you may have to pay a higher monthly premium if you sign up for Part D late (*see “How Do I Sign Up for Medicare?” later in this section*).

Each Part D plan pays for different drugs and has different costs. Talk to a benefit advisor or visit the Medicare website to find out which Part D plans cover the drugs you currently take (*see “What Medicare covers” under “General Information about Medicare Coverage” in Resources at the end of this section*). If the plan you would like to buy doesn’t include a drug you take, you might be eligible for a special exception in rare situations by requesting an appeal. *See “Can I Appeal...?” later in this section.*

Note that the ACA affected Part D: it will close the Part D coverage gap (often called the “donut hole”) by 2020. *For more information about the coverage gap, see listings under “General Information about Medicare Coverage” in Resources at the end of this section.*

If you qualify as low-income, you may be eligible for a program called “Extra Help With Medicare Prescription Drug Plan Costs” (Extra Help), which pays for some or all of the monthly Part D premiums and copayments. *See Resources at the end of this section for more information on Part D and applying for Extra Help.*

Does Medicare Pay for Long-Term Care?

Depending on the services you need, Medicare Parts A and/or B will help you pay for some types of long-term care if:

1. You have had a recent prior hospital stay of at least three days;
2. You are admitted to a Medicare-certified nursing facility within 30 days of your prior hospital stay; and
3. You need skilled care, such as physical therapy.

If you meet these requirements, Medicare will cover care from a skilled nursing facility, home health care, and hospice care (*see description of Medicare Part A, earlier in this section*). Medicare will also pay for some short-term hospital stays and inpatient care for caregiver respite.

Medicare will not pay for things like help with bathing or general supervision, often called “custodial care.” Medicaid is the program that pays for most custodial care. *See the “Medicaid” section in this chapter.*

How Do I Sign Up for Medicare?

If you are already getting Social Security or Railroad Retirement benefits at age 65, your Medicare coverage starts automatically. You do not need to do anything.

If you’re not getting Social Security or Railroad Retirement benefits at age 65, you must sign up for Medicare. You can sign up during a 7-month period of time surrounding your 65th birthday. That time period includes the three months before your birthday month, your birthday month, and the three months after your birthday month. If you don’t sign up during that time period, you will have to wait until the next open enrollment period to sign up, and you might have to pay higher premiums. Each year, open enrollment runs from October 15th to December 7th, and coverage starts on January 1st of the following year. There are some exceptions to this timeframe, such as if you have employee or retiree coverage from an employer. *See Resources at the end of this section for more information about enrollment and the application process.*

Can I Appeal Payment or Coverage Decisions by Medicare, Including Denial of Payment or Denial of Coverage?

Yes. How you file an appeal depends on which Medicare Part is involved, what specifically you are appealing, and at what stage you are in an appeal. See your plan materials, or contact your plan for details about your appeal rights. If you need help filing an appeal, you have two options: you may contact a Statewide Health Insurance Benefits Advisor (SHIBA), or you may seek advice from a lawyer. You can also have a representative help you with an appeal. A representative can be a family member, friend, lawyer, doctor or someone else

who is willing to help you. *See listings under “Medicare Appeals and Complaints” in Resources at the end of this section for information on the appeals process for each Medicare Part, and how to get help filing an appeal.*

Can I File a Complaint About the Care I Received from a Medicare Provider?

Yes. You can file a complaint (also called a “grievance”) about:

- A doctor, hospital, or provider;
- Your health or drug plan;
- The quality of your care;
- Your dialysis or kidney transplant care; and
- Durable medical equipment.

A Statewide Health Insurance Benefit Advisor (SHIBA) can help you with filing a complaint. *See the listings under “Medicare Appeals and Complaints” in Resources at the end of this section.*

What If I Have Health Care Costs Medicare Doesn’t Cover?

If you have health care costs not covered by Medicare, you can buy an additional insurance plan that will cover those costs. These plans are called Medigap or Medicare Supplements. You also might be able to buy additional coverage through the Washington State Health Insurance Pool (WSHIP). These plans are not available through Washington Healthplanfinder.

Medigap plans are sold by private insurance companies and often pay for things like co-payments, co-insurance, and deductibles. Medigap might also pay for services that Medicare doesn’t cover, like health care outside of the U.S.

Washington State has approved a few standard Medigap plans and insurers. Generally you must have Medicare Parts A and B to buy a Medigap plan. Medigap plans cover only one person and do not include prescription drug coverage; long-term care; vision care; dental care; hearing aids; eyeglasses; or private-duty nursing. There’s no yearly enrollment for Medigap, and you can sign-up anytime. *See the description of Medicare Part D earlier in this section for information about prescription drug coverage.*

The other option is the Washington State Health Insurance Pool (WSHIP). WSHIP’s Medicare-eligible plans (also known as “Basic” and “Basic Plus”) provide supplemental coverage to individuals who are unable to get all the coverage they need through Medicare and Medigap plans. You must have Medicare Parts A and B to buy WSHIP. WSHIP pays as a secondary insurance. It covers 100% of Medicare’s deductible and coinsurance on Medicare-eligible expenses. WSHIP encourages applicants to work with an agent when applying and offers a list of insurance agents who have completed a special training for the WSHIP application process.

For Medigap plans and WSHIP, you must pay a monthly premium.

For more information, see listings under “Medical Savings Programs, Extra Help, Medigap, and WSHIP” in Resources at the end of this section.

What If I Can’t Afford to Pay My Premiums, Deductibles, or Co-Payments?

If you qualify for Medicare, but you have trouble affording the coverage, a Medicare Savings Program (MSP) may help you cover some of your Medicare costs. Some Medicare Savings Programs require you to get most of your prescription drugs through Part D. But if you qualify for a Medicare Savings Program, you may also qualify for the Extra Help program to help pay for Part D (*see the description of Medicare Part D earlier in this section*).

There are four different Medicare Savings Programs. Each has its own income and financial resource limits. These limits change each year. Medicare Savings Programs are paid for by Classic Medicaid. There is no estate recovery for any of the Medicare Savings Programs (see “What is ‘Estate Recovery’ for Long-Term Care Expenses?” in the “Medicaid” section of this chapter).

For more information and details on income limits and how to apply, see the publication “Medicare Savings Programs: Help Paying for Medicare Costs,” by Columbia Legal Services, listed under “Medical Savings Programs...” in Resources at the end of this section. Also see the “Medicaid” section of this chapter.

Where Can I Get Help Understanding My Medicare Choices?

If you need help understanding your Medicare choices, you may call the Centers for Medicare and Medicaid Services (CMS) directly, or a Statewide Health Insurance Benefit Advisor (SHIBA). Both have toll-free hotlines and helpful websites. See listings under “Understanding Your Medicare Choices” in Resources below.

Resources

Appeals and Complaints

- Appeals: Information on appealing the denial of Medicare claims:
Online: www.medicare.gov/claims-and-appeals/file-an-appeal/appeals.html
 - Get Help Filing an Appeal:
www.medicare.gov/claims-and-appeals/file-an-appeal/appointing-a-representative/get-help-filing-an-appeal.html
 - Part A and B appeals (“Original Medicare”):
www.medicare.gov/claims-and-appeals/file-an-appeal/original-medicare/original-medicare-appeals.html
 - Part C appeals (Medicare Advantage Plans and other health plans):
www.medicare.gov/claims-and-appeals/file-an-appeal/medicare-health-plan/medicare-health-plan-appeals.html
 - Part D appeals (prescription drug plans):
www.medicare.gov/claims-and-appeals/file-an-appeal/prescription-plan/prescription-drug-coverage-appeals.html
- Beneficiary and Family Centered Care Quality Improvement Organization (BFCC-QIO): If you have a complaint about the quality or necessity of the care you’re receiving or have received from a health care provider or facility, or you want to file an appeal because you think your services are ending too soon, you may file a complaint or appeal through a BFCC-QIO.
By phone: 1-877-588-1123 (toll-free); TTY: 1-855-887-6668 (toll-free)
Online: <http://bfccqioareas.com/states/wa.html>
- Centers for Medicare and Medicaid Services (CMS): For instructions on how to appeal denials of coverage or payment decisions by Medicare, see your Medicare Summary Notice. For more information about appeals, including how to get help with your appeal, call the number or visit the website listed below.
By phone: 1-800-MEDICARE (633-4227) (toll-free); TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov/claims-and-appeals/file-an-appeal/appeals.html

- Complaints: Information about filing a complaint if you have a concern about the quality of care or other services you get from a Medicare provider.
Online: www.medicare.gov/claims-and-appeals/file-a-complaint/complaint.html
- Department of Social and Health Services (DSHS) Residential Care Services Complaint line:
By phone: 1-800-562-6078 (toll-free)
Online: www.dshs.wa.gov/altsa/long-term-care-professionals-providers; in the menu at left, click on “Residential Care Services,” then “Make an Online Incident Report”
- Statewide Health Insurance Benefit Advisor (SHIBA): Provides free, unbiased, and confidential assistance with Medicare and health care choices, including appeals and complaints.
By phone: 1-800-562-6900 (toll-free); TTY: 1-360-586-0241
Online: www.insurance.wa.gov/about-oic/what-we-do/advocate-for-consumers/; click on “Statewide Health Insurance Benefits Advisors (SHIBA)” then “Contact SHIBA”; from there you can find your local office or fill out an online contact form

Apply for Medicare

- Apply for Medicare through the Social Security Administration:
By phone: Call SHIBA (listed on next page): 1-800-562-6900 (toll-free); TTY: 1-360-586-0241
In person: Find your local office by calling 1-800-772-1213 (toll-free) or visiting the online office locator at <https://secure.ssa.gov/ICON/main.jsp>
Online: www.ssa.gov/medicare/apply.html
- Centers for Medicare and Medicaid Services: Provides a thorough overview of Medicare.
By phone: 206-615-2306 (Seattle Office); 1-800-MEDICARE (633-4227) (toll-free);
TTY: 1-877-486-2048 (toll-free)
Online: www.cms.gov/Medicare/Medicare.html
- Extra Help With Medicare Prescription Drug Plan Costs (“Extra Help”): Get information about the program and apply by visiting your local Social Security Office, visiting the website or calling the number below.
By phone: 1-800-772-1213 (toll-free); TTY: 1-800-325-0778 (toll-free)
Online: www.ssa.gov/medicare/prescriptionhelp/
- Find doctors, plans, hospitals, suppliers, and other providers in your network:
Online: www.medicare.gov/forms-help-and-resources/find-doctors-hospitals-and-facilities/quality-care-finder.html
- Medicare: You may contact Medicare directly for information, help, and referrals.
By phone: 206-615-2306 (Seattle Office); 1-800-MEDICARE (633-4227) (toll-free) (24 hours/day, 7 days/week); TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov
- Statewide Health Insurance Benefit Advisor (SHIBA): Provides free, unbiased, and confidential assistance with Medicare and health care choices, including enrollment.
By phone: 1-800-562-6900 (toll-free); TTY: 1-360-586-0241
Online: www.insurance.wa.gov/about-oic/what-we-do/advocate-for-consumers/; click on “Statewide Health Insurance Benefits Advisors (SHIBA)” then “Contact SHIBA”; from there you can find your local office or fill out an online contact form

- Washington Connection: Find out if you qualify for services and assistance, including Medicare.
Online: www.washingtonconnection.org

General Information about Medicare Coverage

- Centers for Medicare and Medicaid Services (CMS): General information and resources to help you understand what Medicare covers, how to apply, and much more.
By phone: 1-800-MEDICARE (633-4227) (toll-free); TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov
 - Costs in the coverage gap (Part D donut hole)
www.medicare.gov/part-d/costs/coverage-gap/part-d-coverage-gap.html
 - How Medicare works with other insurance, and Retiree insurance:
www.medicare.gov/supplement-other-insurance/index.html
 - Is my test, item, or service covered?
www.medicare.gov/coverage/your-medicare-coverage.html
 - *Medicare and You Handbook* (Pub #10050) (also available in Spanish)
www.medicare.gov/Pubs/pdf/10050.pdf
 - *Medicare Coverage of Skilled Nursing Facility Care* (Pub #10153) (also available in Spanish)
www.medicare.gov/Pubs/pdf/10153.pdf
 - *Medicare Hospice Benefits* (Pub # 02154) (also available in Spanish)
www.medicare.gov/Pubs/pdf/02154.pdf
 - *Signing up for Medicare: special conditions*
www.medicare.gov/sign-up-change-plans/get-parts-a-and-b/special-conditions/special-conditions.html
 - What Medicare covers (including information on Part A, B, and D; click on “What Medicare health plans cover” at left for information on Advantage Plans, Medical Savings Accounts, and other programs):
www.medicare.gov/what-medicare-covers/index.html
- *Medicare Information for 2016 – Deductibles, Premiums & Co-payments for Parts A and B*,
by Columbia Legal Services
Online: www.washingtonlawhelp.org; click on “Health,” then “Medicaid / Medicare”

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *After DOMA: What It Means*, a series of brochures by the National Center for Lesbian Rights:
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
Online: www.nclrights.org/legal-help-resources/resource/after-doma/; see “Medicare Spousal Protections”
- National Resource Center for LGBT Aging: Offers information and resources on a wide range of topics, including Medicare.
By phone: (202) 366-1947
By email: info@lgbtagingcenter.org
Online: www.lgbtagingcenter.org; click on “Resources” at the top of the page, then “Social Security, Medicaid, Medicare, Health Care”
 - *Medicare Changes for Transgender Older Adults*
 - *Marriage, Medicare, and Medicaid: What Same-Sex Couples Need to Know*
 - *Accessing Information on Medicare Benefits for LGBT People*

- *Navigating the System*, by the National Center for Lesbian Rights: The state information is for California, but the general tips and federal information are useful for Washington residents, too.
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf
- *Planning with Purpose: Legal Basics for LGBT Elders* (see Part III), by the National Center for Lesbian Rights
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf

Medicare Patient Rights

- Medicare.gov: Information on your Medicare rights.
By phone: Contact SHIBA (see previous listing)
Online: www.medicare.gov/claims-and-appeals/medicare-rights/medicare-rights-overview.html;
see the links below “Details about your rights in Medicare” for specific information about rights for everyone on Medicare and rights that come with each Medicare Part.
- MedicareRights.org: Provides counseling and advocacy, educational programs, and public policy initiatives.
By phone: 1-800-333-4114 (toll-free) (for help in Spanish, press 8)
Online: www.medicarerights.org
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Health” then “Medicaid / Medicare”
 - *Hospital Discharge of Medicare Patients – Sample Letters*
 - *Medicare and Your Rights: Getting Discharged from the Hospital*

Medicare Savings Programs, Extra Help, Medigap, and WSHIP

- Approved Medicare Supplement (Medigap) Plans, a list provided by the Washington State Office of the Insurance Commissioner
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov/your-insurance/medicare/medigap-plans/cost-cover/;
click the “Medigap Plans” link under “What will it cost?”
- Department of Social and Health Services (DSHS), Community Services Office (CSO):
Information about Medicare and the Medicare Savings Programs.
By phone: 1-877-501-2233 (toll-free)
Online: www.dshs.wa.gov/esa/community-services-offices/medicare-savings-program
- Extra Help With Medicare Prescription Drug Plan Costs (“Extra Help”): Get information about the program and apply by visiting your local Social Security Office, visiting the website or calling the number below.
By phone: 1-800-772-1213 (toll free); TTY: 1-800-325-0778 (toll-free)
Online: www.ssa.gov/extrahelp

- Find out if you qualify for services and assistance, including whether you qualify for a Medicare Savings Program.
In person: Go to your local DSHS Community Services Office (CSO). See DSHS listing on previous page.
By phone: Call DSHS at 1-877-501-2233 (toll-free)
Online: www.washingtonconnection.org
- Medicare.gov: Resources and information on Medigap coverage.
By phone: 206-615-2306 (Seattle Office); 1-800-MEDICARE (633-4227) (toll-free)
Online: www.medicare.gov/supplement-other-insurance/medigap/whats-medigap.html
- *Medicare & Other Health Benefits: Your Guide to Who Pays First*, by Centers for Medicare and Medicaid Services
By phone: 206-615-2306 (Seattle Office); 1-800-MEDICARE (633-4227) (toll-free);
TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov/Pubs/pdf/02179.pdf
- *Medicare Savings Programs Application* (Form # 13-691): Available in multiple languages. Information on how to submit your paper application is included.
Online: www.hca.wa.gov/medicaid/forms/pages/index.aspx
- *Medicare Savings Programs: Help Paying for Medicare Costs*, by Columbia Legal Services
Online: www.washingtonlawhelp.org; click on “Health” then “Medicaid / Medicare”
- Medicare Savings Programs: Resources and information to help you find out if you’re eligible and how to apply.
By phone: 1-800-772-1213 (toll-free)
Online: www.medicare.gov/your-medicare-costs/help-paying-costs/medicare-savings-program/medicare-savings-programs.html
- Social Security Administration publications:
Online: www.ssa.gov/pubs/; type in the title or publication number into the search box, then click either “Audio,” “PDF,” or “Other Languages” to the right of the publication title
 - *Medicare* (pub. 05-10043)
 - *Understanding The Extra Help With Your Medicare Prescription Drug Plan* (pub. 05-10508)
 - *Apply Online For Extra Help With Medicare Prescription Drug Costs* (pub. 05-10525)
- Washington State Health Insurance Pool (WSHIP): Information on coverage, eligibility, and how to apply.
By phone: 1-800-877-5187 (toll-free)
Online: www.wship.org; see the menu at left for specific information

Understanding Your Medicare Choices

- Centers for Medicare & Medicaid Services: Provides a thorough overview of Medicare.
By phone: 206-615-2306 (Seattle Office); 1-800-MEDICARE (633-4227) (toll-free);
TTY: 1-877-486-2048 (toll-free)
Online: www.cms.gov/Medicare/Medicare.html

- *Older Women's Health Resource Guide* (Chapter 3: Insurance for the More Senior Woman), by the California Women's Law Center: The guide is for residents of California, but the information in Chapter 3 is useful for Washington State residents.
Online: <http://cwc.org/web/wp-content/uploads/2013/09/Older-Womens-Health-Guide-Complete.pdf>
- Statewide Health Insurance Benefits Advisors (SHIBA): Provides free, unbiased, and confidential assistance with Medicare and health care choices, including appeals and complaints.
By phone: 1-800-562-6900 (toll-free); TTY: 1-360-586-0241
Online: www.insurance.wa.gov/about-oic/what-we-do/advocate-for-consumers/; click on "Statewide Health Insurance Benefits Advisors (SHIBA)" then "Contact SHIBA"; from there you can find your local office or fill out an online contact form

Medicaid

What Is Medicaid?

Medicaid is a government program that provides health care coverage for low-income individuals who qualify. Some Medicaid programs can be free, and some Medicaid programs share costs with patients. If you qualify for Medicaid, you will receive a card to show health-care providers such as doctors, pharmacies, and hospitals. Providers then bill Medicaid directly for services provided to you. Note that some health-care providers do not accept Medicaid patients. *More information is available from sources listed in Resources at the end of this section.*

Medicaid is managed by the Washington State Department of Social and Health Services (DSHS) and by the Washington Health Care Authority (HCA). Medicaid in Washington is called Washington Apple Health, which includes most medical and health-care programs managed by the state. In this section, we discuss the programs under the two main branches of Medicaid:

- **Classic Medicaid:** Includes many health care programs for seniors age 65 or older and people of any age who qualify as blind or disabled. Classic Medicaid includes Supplemental Security Income (SSI)-related medical coverage; long-term care coverage; medically needy coverage; and other programs. For most programs you must have very low income and also have very limited financial resources. Classic Medicaid also includes Medicare Savings Programs (MSPs), which help with Medicare premiums.
- **MAGI Medicaid:** “MAGI” stands for “Modified Adjusted Gross Income.” Generally, the programs under MAGI Medicaid are for low-income people age 64 or younger who don’t qualify for Classic Medicaid. MAGI Medicaid includes many health care programs, including programs for low-income people who don’t qualify for Medicare, certain immigrants, and dependent children/grandchildren. MAGI Medicaid is also known as “Medicaid Expansion,” which is the result of the expansion of Medicaid by the Affordable Care Act (ACA).

This section includes information about the programs mentioned above, except for Medicare Savings Programs. *See the “Medicare” section in this chapter for information about Medicare Savings Programs.*

Can I Have Both Medicaid and Medicare Coverage?

Some low income seniors age 65 and older (as well as people of any age who qualify as blind or disabled) will qualify for both Medicaid and Medicare. These people are called “dual eligibles.” Medicaid can cover services that Medicare does not, like extended long-term care. It can also pay Medicare’s out-of-pocket costs such as co-pays, premiums and deductibles. Most people who are dual eligible must first apply for Medicare, then apply for Medicaid. *See the Classic Medicaid program descriptions later in this section.*

Classic Medicaid

Who Is Eligible for Classic Medicaid?

There are many different Classic Medicaid programs, and each has its own eligibility requirements. Generally, you qualify for Classic Medicaid if:

1. You are age 65 or older, or any age and you are blind or disabled;
2. You have very low income;

3. You have very limited financial resources (assets); and
4. You are a U.S. citizen or eligible immigrant.

Each Classic Medicaid program has its own exceptions and rules, especially for how income and financial resources are counted. *See “What Are Some of the Classic Medicaid Programs?” later in this section.*

Do I Have to Be a U.S. Citizen to Qualify for Classic Medicaid?

For most Classic Medicaid programs, you do not need to be a U.S. citizen to qualify, but you generally must be a “qualified alien” and lawfully present in the U.S. You also might have to wait five years after entering the U.S. before you can qualify for most Classic Medicaid programs. There are some exceptions to these rules.

There are several medical programs for immigrants who do not qualify for Medicaid. Three programs are relevant to seniors:

- **The Alien Emergency Medical (AEM)** program is for individuals who have a qualifying medical condition and do not qualify for any other Apple Health program due to citizenship/immigration requirements. Coverage includes emergency room care, inpatient admission or outpatient surgery, cancer or dialysis treatment, and some types of long-term care services.
- **The Refugee Medical Assistance (RMA)** program is for refugees who are not eligible for Classic Medicaid because of their immigration status, but who otherwise meet the income and resource (asset) requirements. It is for certain immigrants, such as refugees and asylees, for the first eight months after entering the U.S.
- **The Medical Care Services** program is available to disabled adults in Washington who do not meet the immigration requirements for Medicaid. There is often a waiting list for this program.

For more information about eligibility for your immigrant status, see listings under “Immigrants” in Resources at the end of this section.

What Are the Income and Resource Limits for Classic Medicaid?

The income limits are different for each of the Classic Medicaid programs. For most Classic Medicaid programs, you can have only very limited financial resources, such as bank accounts, stocks and bonds, or retirement funds.

These income and resource limits change each year and are complicated, especially for long-term care programs. You can check your eligibility for all the Classic Medicaid programs online at the Washington Connection website. You can also call DSHS or visit a Community Services Office (CSO). *See listings under “Apply for Classic Medicaid” in Resources at the end of this section.*

Updated income eligibility information for each Medicaid program is available from the Washington State Health Care Authority (HCA). *See the HCA publication “Eligibility Overview – Washington Apple Health (Medicaid) Programs” in Resources at the end of this section.*

How Do I Apply for Classic Medicaid?

You can apply for Classic Medicaid online, by phone, by mail, or in person. *See Resources at the end of this section for information on how to apply.* You cannot use the Washington Healthplanfinder (“The Exchange”) to apply for Classic Medicaid programs.

You can use the same Classic Medicaid application for long-term care assistance, such as nursing home care, in-home personal care, assisted living facility and adult family home programs (*see “Is Long-Term Care Covered by Classic Medicaid?” later in this section*). However, for specialized in-person assistance – or for questions with your long-term care application – you should contact a DSHS Home and Community Services (HCS) office.

When you apply, you will find out which programs you qualify for based on your household income, your household size, and your financial resources. If you are not a U.S. citizen, your immigration status will also be a factor. You will need Social Security numbers (or immigration documents), income information, and the dates of birth for each member of your household.

If you don’t speak English, or if your English is limited, DSHS will provide an interpreter to help you fill in forms, answer letters, and participate in interviews.

See Resources at the end of this section for more information and help applying for all Classic Medicaid programs.

What Are Some of the Classic Medicaid Programs?

- **Categorically Needy Medicaid (CN):** Many people on Medicaid are considered “Categorically Needy,” which means that their income and resources (assets) make them automatically eligible for Medicaid. For example, people receiving SSI-related medical coverage and people who receive COPES (a long-term care program) are considered Categorically Needy. This coverage is considered Minimal Essential Coverage under the Affordable Care Act.
- **Medically Needy Medicaid (MN):** Some people do not automatically qualify for Categorically Needy Medicaid even though they are age 65 or older, or disabled, because they have too much income or too many resources (assets). For these people, they can get Medicaid through a program called the Medically Needy Spenddown Program. They have to incur a certain amount of medical bills before their Medicaid coverage begins. This coverage is not considered Minimal Essential Coverage under the Affordable Care Act.
- **Healthcare for Workers with Disabilities (HWD):** Provides medical coverage for disabled people, ages 16 through 64, who are still working. The monthly health care premium will not be more than 7.5% of the worker’s income. There is an income limit, but no resource limit for HWD. This coverage is considered Minimal Essential Coverage under the Affordable Care Act.
- **Long-term care and hospice programs:** This includes nursing home care, in-home personal care, assisted living facility and adult family home programs. There are income and resource (asset) requirements. You may have to pay a participation fee to get these services, depending on your income. Depending on your circumstances, you may automatically get Categorically Needy Medicaid along with your long-term care. Long-term care on its own is not considered Minimal Essential Coverage under the Affordable Care Act. *See “Is Long-Term Care Covered By Classic Medicaid?” on the next page.*
- **Programs for certain immigrants:** Some medical programs for immigrants are funded by Medicaid, and some are state-funded only. *See “Do I Have to Be a U.S. Citizen to Qualify for Classic Medicaid?” earlier in this section.*

Find out which medical programs you qualify for by applying. Note that if you are under the age of 65 and blind or disabled, you must now also apply for MAGI Medicaid, which has higher income limits and no resource limits. *Also see Resources at the end of this section for information on applying for Classic Medicaid programs.*

Is Long-Term Care Covered by Classic Medicaid?

For people who qualify financially and who have a disability that requires long-term care (such as Alzheimer’s disease), Classic Medicaid has programs to help pay for some long-term care expenses.

- **Medicaid Personal Care (MPC), Community Options Program Entry System (COPES), and Community First Choice (CFC) Programs:** Provide necessary care in your own home or in an adult family home, adult residential care facility, or assisted living facility. These programs may require a participation fee. *For more information, see the Columbia Legal Services publication “Questions and Answers on the COPES Program” in Resources at the end of this section.*
- **Nursing home care:** Not all nursing homes, adult family homes or assisted living facilities accept Medicaid payment, so you must check with each facility. Many facilities require that you have proof that you can pay for the nursing home, and they may require you to pay out-of-pocket for nursing home care before they will accept Medicaid. *For more information, see the Columbia Legal Services publication “Questions and Answers on Medicaid for Nursing Home Residents” in Resources at the end of this section.*

Each program has different rules and limits for what income and resources are counted, which are explained in the publications mentioned above. For the COPES and CFC programs, your need for long-term care will be determined by a CARE Assessment test. After the assessment, DSHS will send you a letter listing the services you qualify for. If you disagree with the assessment, you can ask for a hearing within 90 calendar days of the date of the notice. *See the Northwest Justice Project publication “Understanding Your CARE Tool Assessment” in Resources at the end of this section. For more information about long-term care and your options, see Resources at the end of this section and the Long-Term Care chapter in this Handbook.*

Can I Give Away My Resources to Qualify for Long-Term Care?

It depends on when you give away your resources and to whom. Classic Medicaid has very specific rules for how it counts your financial resources (assets). Medicaid will look at the resources you have at the time you apply, *and* it will look at the resources you had during the five years before you applied. Some types of gifts are allowed. For example, if your child is disabled, you can give that child a gift without penalty. But if you gave away any of your resources – cash, land, stocks, gifts, etc. – during those five years, you may have a penalty waiting period before your long-term care or other Medicaid services will be covered. This is called a “period of ineligibility.” That period will roughly equal the number of months of care you could have paid for with the resources you gave away.

You may be able to get long-term care coverage during your period of ineligibility if you can prove it would cause you “undue hardship.” But if you do this, in some cases Medicaid can fine whomever received your cash, land, etc. The amount of the fine will be about 50% more than the long-term care costs covered by Medicaid during your period of ineligibility.

Can I Spend My Resources to Qualify for Long-Term Care?

Spending your money for personal needs will not cause a period of ineligibility. You can also spend your money on things that Medicaid doesn’t count when determining your eligibility. *See listings under “Estate Recovery” in Resources at the end of this section.*

MAGI Medicaid

Who Is Eligible for MAGI Medicaid?

In general, to qualify for MAGI Medicaid you must:

1. Be age 64 or younger;
2. Be a Washington State resident;
3. Be a U.S. citizen (or an eligible immigrant);
4. Not be in jail or prison;
5. Have a low household income (*see details below*); and
6. Not be eligible for Medicare (or other medical programs).

In general, MAGI Medicaid coverage is free for those who qualify. Certain exceptions apply. MAGI Medicaid generally covers your health care premiums, as well as your covered health care expenses. When you turn 65 years old, however, you will need to apply for Classic Medicaid (and also Medicare, if you qualify). You cannot apply or qualify for MAGI Medicaid if you already qualify for Medicare. *For more information about MAGI Long-Term Care coverage, see “Does MAGI Medicaid Cover Long-Term Care?” later in this section.*

Does MAGI Medicaid Qualify as Minimum Essential Coverage?

Yes, MAGI Medicaid includes all the benefits required for minimum essential coverage. It can also include other benefits, like long-term care and hospice. *For more information about minimum essential coverage, see “The Affordable Care Act (ACA)” section in this chapter. For more information about what MAGI Medicaid covers, call the DSHS Statewide Customer Service Center (see Resources).*

Do I Have to Be a U.S. Citizen to Qualify for MAGI Medicaid?

Immigration rules are complex and change often. The MAGI Medicaid application asks if you are a “Non-Citizen Lawfully Present,” which means that you are in the U.S. lawfully and you have a qualifying immigration status. To qualify for most Apple Health programs, including MAGI Medicaid, you must be a “Lawfully Present Qualified Alien,” which includes Lawful Permanent Residents, certain asylees and refugees, and many others. Some “Non-qualified aliens” (such as children under the age of 19, or pregnant women) may qualify for other types of medical coverage.

Even if you are a Lawfully Present Qualified Alien you might have to wait five years after entering the U.S. before you can qualify for most Apple Health programs. There are some exceptions to these rules, depending on your immigration status.

If you are an immigrant who does not qualify for MAGI Medicaid, you might qualify for the Alien Emergency Medical (AEM) or other medical programs. *See “Do I Have to Be a U.S. Citizen to Qualify for Classic Medicaid?” earlier in this section. For more information about immigration status, see the Immigration chapter in this Handbook.*

What Are the Income Limits for MAGI Medicaid?

To qualify, your household’s modified adjusted gross income must be below 138% of the Federal Poverty Level (FPL). The MAGI Medicaid program does not count or limit financial resources (assets). It looks only at income. For example, in 2016 a single person with less than \$16,242 modified adjusted gross income per year (or a married couple with less than \$21,983 per year) will qualify for free health care coverage from MAGI Medicaid. *See Resources at the end of this section for more information.*

How Do I Apply for MAGI Medicaid?

You can apply for MAGI Medicaid programs through Washington Healthplanfinder (“The Exchange”). You can also apply by going in person to your local Community Services Office. You can apply at any time of year, either online, by phone, or by mail. You can also get free help with your application from a Navigator. *See Resources at the end of this section for application information, Navigator contact information, forms, etc.*

To apply for MAGI Medicaid, you will need your Social Security number (or immigration documents), information about your household income, and the dates of birth for each member of your household.

Does MAGI Medicaid Cover Long-Term Care?

For people who qualify financially and who have a disability that requires long-term care (such as Alzheimer’s disease), MAGI Medicaid includes coverage for some long-term care expenses. Your need for long-term care will be determined by a CARE Assessment test. After the assessment, DSHS will send you a letter listing the services you qualify for. If you disagree with the assessment, you can ask for a hearing within 90 calendar days of the date of the notice. *See the Northwest Justice Project publication “Understanding Your CARE Tool Assessment” in Resources at the end of this section.*

MAGI Medicaid includes only long-term care in nursing homes. It does not include the COPES program or other types of long-term care coverage (*see “Is Long-Term Care Covered by Classic Medicaid?” earlier in this section*). You do not have to pay any part of your long-term care covered by MAGI Medicaid. But be aware that your estate may be subject to estate recovery. *See “Is Long-Term Care Covered by Classic Medicaid?” earlier in this section.*

Once you turn 65 years old, you will have to apply for long-term care coverage from Classic Medicaid. Note that Classic Medicaid has different income and resource limits for long-term care coverage. *See “Does Classic Medicaid Cover Long-Term Care?” earlier in this section.*

For more information about long-term care, see the Long-Term Care chapter in this Handbook. Also see Resources at the end of this section.

What Is “Estate Recovery” for Long-Term Care?

By law, the state may be paid back for long-term care services it paid for with Medicaid or other state funds. This includes payments for nursing facility care, home care, and community-based services, and also hospital and prescription drug costs. The state will take the money from your estate after you die (with some limited exceptions). In some cases, a lien can be placed on your property before you die. This is called “estate recovery” and applies to anyone age 55 or older.

The state may be able to recover these expenses from your estate before anything is distributed to the beneficiaries named in your Will. There are exceptions for some types of property owned by Native American and Alaska Native people (*see listings under “Estate Recovery” in Resources at the end of this section*).

The rules for estate recovery are very complex, and many exceptions apply. You should talk with an estate planning lawyer and *see the Long-Term Care chapter and the Planning for the Future chapter in this Handbook. Also see listings under “Estate Recovery” in Resources at the end of this section.*

What If I Am Denied Coverage by Medicaid?

If you disagree with your denial of coverage by Medicaid, you can request a hearing within 90 calendar days of the date of the notice. *See the listings under “Appeals” in Resource at the end of this section to learn more about the appeals and hearing process.*

Resources

Appeals

- To appeal a MAGI Medicaid eligibility decision: See the “Washington Healthplanfinder” section of this chapter.
- To appeal a Classic Medicaid eligibility decision: See the Northwest Justice Project publications *How to Fight a Denial of DSHS Public Assistance* and *How to Fight a Termination or Reduction of DSHS Public Assistance*, listed below.
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then “Department of Social and Health Services (DSHS) programs and problems”
 - *How to Fight a Denial of DSHS Public Assistance*
 - *How to Fight an Overpayment of Cash Assistance, Medical Assistance or Food Stamps*
 - *How to Fight a Termination or Reduction of DSHS Public Assistance*
 - *How to Petition for Superior Court Review*
 - *How to Present an Equitable Estoppel Defense at a DSHS Hearing*
 - *Representing Yourself at an Administrative Hearing*

Apply for Classic Medicaid

- By phone: DSHS Statewide Customer Service Center: 1-877-501-2233 (toll-free); TTY: 7-1-1
- In person: Visit a DSHS Community Services Office (CSO). To find one in your area, visit www.dshs.wa.gov/esa/community-services-find-an-office or call DSHS Statewide Customer Service Center: 1-877-501-2233 (toll-free); TTY: 7-1-1
- Online application: www.washingtonconnection.org; click “Apply Now”
- Paper application: Call the DSHS Statewide Customer Service Center to have an application mailed to you: 1-877-501-2233 (toll-free); TTY: 7-1-1
- Questions? Call the DSHS Statewide Customer Service Center: 1-877-501-2233 (toll-free); TTY: 7-1-1

Apply for MAGI Medicaid

- By phone: To apply by phone, and for questions about MAGI Medicaid eligibility, etc., call the Washington Healthplanfinder Customer Support Center: 1-855-WAFINDER (923-4633) (toll-free); TTY: 1-855-627-9604 (toll-free)

- In person: Visit a DSHS Community Services Office (CSO). To find one in your area, call the DSHS Customer Service Center at 1-877-501-2233 (toll-free) (TTY: 7-1-1) or visit www.dshs.wa.gov/esa/community-services-find-an-office.
- Online application: www.wahealthplanfinder.org; click “Apple Health Coverage”
- Paper application (information on how to submit your paper application is included): www.hca.wa.gov/medicaid/forms/Documents/18-001P.pdf
- Questions about your application? Need help applying? For free, personal help, call the DSHS Customer Service Center at 1-877-501-2233 (toll-free)(TTY: 7-1-1) and ask for an “In-Person Navigator” in your area.
- Questions about your eligibility? Call the Washington Health Care Authority Medical Eligibility Determination Services (MEDS)
By phone: 1-855-623-9357 (toll-free)
Online: <https://fortress.wa.gov/hca/magicontactus/ContactUs.aspx>

Estate Recovery

- *See Resources in the “Estate Planning” section of the Planning for the Future chapter in this Handbook.*
- Washington LawHelp publications:
Online: www.washingtonlawhelp.org; enter “estate recovery” in the search box at upper right, then click on the publication title
 - *Estate Recovery for Medical Services Paid for by the State*, by Columbia Legal Services
 - *Estate Recovery Information – Services Subject to Estate Recovery*, by DSHS
 - *Native American and Alaska Native Property Owners: Exemptions from Estate Recovery*, by Northwest Justice Project

Immigrants

- HealthCare.gov: Basic immigration and health care information.
Online: www.healthcare.gov/immigrants/lawfully-present-immigrants
- Immigrant Public Benefits Advocate (Northwest Justice Project): For help finding out which benefits you qualify for.
By phone:
 - 60 or older? Call CLEAR*Sr: 1-888-387-7111 (toll-free); TTY: 1-800-833-6384 (toll-free) (Monday through Friday, starting at 9:15 AM to leave a message for a call back)
 - Outside King County? Call CLEAR: 1-888-201-1014 (toll-free); TTY: 1-800-833-6384 (toll-free); Monday through Friday, 8 AM to 6 PM (interpreters available)
 - In King County? Call 2-1-1
 Online: <https://nwjustice.org/apply-online> (to apply online for a call back)

- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org/issues/government-benefits/; click on “Public benefits for immigrants and refugees”:

- *Washington Public Assistance for Immigrants Who Are Not Lawfully Present*
- *Washington Public Assistance for Lawfully Present Immigrants*

Click on “Health Care Reform / Affordable Care Act”:

- *Health Care Reform: Immigrant Eligibility*

- WA Health Benefit Exchange: Information for immigrants, including eligibility chart.
Online: www.wahbexchange.org/new-customers/who-can-sign-up/immigrants/

- *Citizenship and Immigration Eligibility Chart*

General Medicaid Information

- *Also see listings under “General Medicaid-Funded Long-Term Care Information” on the next page.*
- *Eligibility Overview – Washington Apple Health (Medicaid) Programs* (publication 22-315), by the Washington State Health Care Authority
By phone: 1-800-562-3022 (Apple Health Medical Assistance Customer Service Center) (toll-free)
Online: www.hca.wa.gov/medicaid/publications/Documents/22_315.pdf
- *First-Timer’s Guide to Washington Apple Health (Medicaid)*, by the Washington State Health Care Authority
Online: www.hca.wa.gov/medicaid/Pages/index.aspx; see links to this two-part guide at the bottom of this page
- *Key Medicaid Standards as of January [year]*, by Columbia Legal Services: Gives basic financial standards for Medicaid programs, including CN and MN coverage. Updated annually.
Online: www.washingtonlawhelp.org; click on “Health,” then “Medicaid / Medicare”
- Longtermcare.gov: Information and resources to help you understand and apply for Medicaid.
Online: <http://longtermcare.gov/medicare-medicaid-more/medicaid/applying-for-medicaid/>
- Medicaid.gov: Resources and general information about Medicaid for seniors, adults, people with disabilities, and others.
Online: www.medicaid.gov/medicaid-chip-program-information/medicaid-and-chip-program-information.html
- *Medicare & Other Health Benefits: Your Guide to Who Pays First* (Pub #02179), by the Centers for Medicare & Medicaid Services (also available in Spanish)
By phone: 1-800-MEDICARE (633-4227) (toll-free); TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov/Pubs/pdf/02179.pdf

- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Health,” then “Health Care Reform / Affordable Care Act” (note: this resource list has two pages)
 - *Health Care Reform – ABD, MCS and ADATSA*
 - *Health Care Reform – Medicaid Expansion*
 - *Health Care Reform – SSDI and Medically Needy*
- Questions? Call the DSHS Statewide Customer Service Center: 1-877-501-2233 (toll-free); TTY: 7-1-1
- *WA Apple Health Programs*, by the Northwest Health Law Advocates: A summary of medical program categories and subsidized insurance in Washington (except long-term care).
Online: <http://nohla.org/pdf-downloads/MEDSUMMar2014rev%203-21-13.pdf>

General Medicaid-Funded Long-Term Care Information

- Columbia Legal Services publications:
Online: www.washingtonlawhelp.org; click on “Seniors,” then “Long-term care assistance...”
 - *Questions and Answers on Medicaid for Nursing Home Residents*
 - *Questions & Answers on the COPES Program*
 - *Questions and Answers on the Community First Choice Program*
- Department of Social and Health Services (DSHS) publications:
By phone: 1-800-422-3263 (toll-free)
Online: See links below the titles
 - *Medicaid and Long Term Care Services for Adults* (Pub #22-619) (available in many languages) www.dshs.wa.gov/node/8407; see links by language at the bottom of the page
 - *Summary of Home and Community Services & Eligibility* (Pub #22-866) www.dshs.wa.gov/node/8413; click “English” at the bottom of the page
- *Key Medicaid Standards as of January [year]*, by Columbia Legal Services: Gives basic financial standards for Medicaid programs, including COPES and nursing home rates. Updated annually.
Online: www.washingtonlawhelp.org; click on “Health,” then “Medicaid / Medicare”
- *Understanding Your CARE Tool Assessment*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Seniors,” then “Long-term care assistance...”

The Affordable Care Act (ACA)

What Is the Affordable Care Act?

The Affordable Care Act (ACA), also known as “Obamacare,” is a federal health care law that was passed by Congress in 2010. Its full name is the “Patient Protection and Affordable Care Act.”

For most people with Medicare, the ACA made only minor changes. For example, it will close the Medicare Part D coverage gap by 2020 (*see description of Medicare Part D in the “Medicare” section of this chapter for more information*). But for people under 65 years old who had minimal or no health care coverage, the ACA brought big changes. Some of the changes include:

- Most people must have Minimum Essential Coverage or pay a tax penalty (*see “What Is Minimum Essential Coverage?” below*).
- Medicaid has expanded to provide Minimum Essential Coverage to more low-income people (*see the “Medicaid” section of this chapter*).
- Insurance companies face new regulations. For example, they cannot deny coverage (or raise rates) due to pre-existing conditions, limit lifetime maximum payments, or make unlimited profits.
- Young people can stay on their parents’ or guardians’ insurance plan until they are 26 years old, and sometimes longer.

For more information, see the listings under “General Information about the ACA” in Resources at the end of this section.

Do I Have to Have Health Care Coverage?

Generally, yes. Most people living in the United States must have health care coverage that qualifies as Minimum Essential Coverage (*see the next question, “What Is Minimum Essential Coverage?”*). If you do not have this, you must either qualify for an exemption or pay a tax penalty. *For more information on the ACA and taxes, see the “Federal Taxes” section of the Personal Finances chapter in this Handbook.*

What Is Minimum Essential Coverage?

Minimum Essential Coverage is what each person must have in order to avoid paying a tax penalty. The following plans qualify as Minimum Essential Coverage:

- Medicare and Medicare Advantage Plans
- Health programs through the Veterans Administration
- Coverage through your job (sometimes called “employer-sponsored plans”)
- Washington Apple Health (Medicaid) or Apple Health for Kids (CHIP)
- TRICARE
- Government-sponsored coverage
- Refugee medical assistance
- Peace Corps Volunteer programs
- Student health coverage
- Qualified Health Plans

For more information on Minimum Essential Coverage, see the publication “Health Care Reform – Requirement to Get Health Coverage” by the Northwest Justice Project, listed in Resources at the end of this section.

What Are Qualified Health Plans?

Qualified Health Plans are private health insurance plans that are sold through Washington Healthplanfinder. All private plans on Washington Healthplanfinder are Qualified Health Plans.

For more information on Qualified Health Plans, see Resources at the end of this section and the “Private Health Insurance” section of this chapter.

What Does My Plan Have to Cover?

If you have MAGI Medicaid or a Qualified Health Plan, your coverage must include Essential Health Benefits. Essential Health Benefits include coverage in each of these ten areas:

1. Preventive care
2. Emergency care
3. Outpatient care
4. Hospitalization
5. Laboratory service
6. Prescription drugs
7. Rehabilitative and habilitative services and devices
8. Mental health and substance use disorder services
9. Maternity and newborn care
10. Pediatric services

Note that dental care, vision care, and long-term care are not on this list.

Qualified Health Plans and Washington Apple Health plans can include more than these ten benefits, but generally do not include every possible health condition, treatment, or care. It is also important to note that Qualified Health Plans may not cover the full amount of your health care costs. *See “How Much Will Health Insurance Cost?” in the “Private Health Insurance” section of this chapter.*

What If I Can’t Afford to Pay for Health Care Coverage?

Many seniors age 65 and older qualify for free to low-cost health care coverage through Medicare and/or Classic Medicaid. *See the “Medicare” section of this chapter for more information.* If you do not qualify for free or low-cost Medicare coverage, *see the “Private Health Insurance” section of this chapter.*

For people who are under age 65 and qualify as low-income, Washington Apple Health provides free health care coverage. *See the “Medicaid” section in this chapter to learn more about Washington Apple Health.* Those under age 65 who do not qualify for Washington Apple Health may qualify for cost-sharing reductions and tax credits to help with the cost of buying a Qualified Health Plan through Washington Healthplanfinder. *See the “Private Health Insurance” section and the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter.*

If you do not qualify for Medicare or other government programs and do not have health insurance through an employer, *see the “Private Health Insurance” and the “Charity Care” sections of this chapter.*

What If I Am Native American?

See “What If I Am Native American?” in the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter.

What If I Am an Immigrant?

See “What If I Am an Immigrant?” in the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter.

Resources

General Information about the ACA

- Also see the “Federal Taxes” section in the Personal Finances chapter for information about the ACA and taxes.
- Healthcare.gov: Resources on how ACA might affect you, including information on insurance plans and taxes.
Online: www.healthcare.gov
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org/issues/health/health-care-reform-affordable-care-act
 - Health Care Reform – ABD, MCS and ADATSA
 - Health Care Reform – Family Medical
 - Health Care Reform – General Information
 - Health Care Reform: Immigrant Eligibility
 - Health Care Reform – Medicaid Expansion
 - Health Care Reform – New Coverage Options
 - Health Care Reform – Qualified Health Plans
 - Health Care Reform – Requirement to Get Health Coverage
 - Health Care Reform – SSDI and Medically Needy
 - Taxes and the Affordable Care Act – General Information
 - Taxes and the Affordable Care Act – Premium Tax Credit
 - Tax Issues for Immigrants under the Affordable Care Act
- U.S. Department of Labor: Information about the ACA and health insurance through an employer:
Online: www.dol.gov/ebsa/healthreform
- Washington State Office of the Insurance Commissioner: Information and publications to help you apply for a Qualified Health Plan, Apple Health, or other health insurance.
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov/your-insurance/health-insurance/

Washington Healthplanfinder (“The Exchange”)

What Is Washington Healthplanfinder?

The Affordable Care Act (ACA) allows each state to create a health insurance marketplace where individuals, families, and small businesses can learn about their health coverage options, compare plans, and enroll in coverage. The health insurance marketplace created by Washington State is called Washington Healthplanfinder (sometimes called “The Exchange”). It is run by the Washington Health Benefit Exchange. Washington Healthplanfinder also connects people under 65 years old with programs that can help them pay for coverage. *For more information about the ACA, see “The Affordable Care Act (ACA)” section of this chapter.*

The two types of coverage available through Washington Healthplanfinder are:

1. **MAGI Medicaid:** The ACA allows states to make Medicaid coverage available to low-income people under 65 years old. MAGI is short for “Modified Adjusted Gross Income,” which is what the State looks at to determine if the applicant qualifies for Medicaid coverage. *For more information about MAGI Medicaid, see the “Medicaid” section of this chapter.*
2. **Qualified Health Plans (QHP):** These are state-approved plans offered by private insurance companies for people under 65 years old with middle to high income and resources. Financial help is available for those who qualify. *For more information about QHPs, see the “Private Health Insurance” section of this chapter.*

If you are 65 or older, you cannot get MAGI Medicaid coverage for yourself through Washington Healthplanfinder. *See the “Medicare” and the “Medicaid” sections of this chapter.* Most seniors will not be able to buy a Qualified Health Plan through Washington Healthplanfinder, either, though some limited exceptions apply. *See the “Private Health Insurance” section of this chapter.*

Who Can Use Washington Healthplanfinder?

To use Washington Healthplanfinder, you must:

1. Be younger than 65 years old (with limited exceptions);
2. Be a U.S. Citizen or a lawful immigrant;
3. Be a Washington State resident;
4. Not be in prison or jail;
5. Not have or qualify for health care coverage through a government program; and
6. Not have what is considered “affordable” and “minimum value” health care coverage through an employer.

If you are not eligible, Washington Healthplanfinder will tell you so after you complete the application. *See Resources at the end of this section.*

How Do I Apply for Health Care Coverage through Washington Healthplanfinder?

You can apply online, by phone, or by mail. To apply, you will need to give information, such as the age of each person in your household, your household income, social security numbers, citizenship status, etc. Depending on your income, you will either be able to apply for MAGI Medicaid or a Qualified Health Plan. Washington Healthplanfinder offers free professionals, called “Navigators,” to help you find, research, and apply for health insurance.

If you apply online, make sure you go to the real Washington Healthplanfinder website (www.wahealthplanfinder.org), not a copycat scam site.

For information about Qualified Health Plans and how to apply, see the “Private Health Insurance” section of this chapter. For information about MAGI Medicaid and how to apply, see the “Medicaid” section of this chapter.

When Can I Apply for Health Care Coverage through Washington Healthplanfinder?

You can apply for MAGI Medicaid at any time. For Qualified Health Plans, however, most people must apply during the open enrollment period, which usually begins in November of each year. Check Washington Healthplanfinder for specific dates. You may be able to apply for a Qualified Health Plan outside the open enrollment period if you have experienced certain qualifying events. For example, marriage, divorce, and job loss would qualify you for a “special enrollment period.” You must apply for a Qualified Health Plan within 60 days of a qualifying event. *For more information, see “Special Enrollment Periods” under “Using Washington Healthplanfinder” in Resources at the end of this section.*

See the “Medicaid” section and the “Private Health Insurance” section of this chapter for more information.

Can I Appeal a Decision Made by Washington Healthplanfinder?

Yes. You can appeal any decisions made by Washington Healthplanfinder, including your eligibility for MAGI Medicaid or Qualified Health Plan coverage, as well as financial assistance decisions. Information about your rights and how to appeal will be included in the decision letter from Washington Healthplanfinder. Read that information carefully. You have 90 days from the date on the decision letter to request an appeal. To keep your coverage while you appeal, you must appeal within 10 days. If you receive coverage pending the appeal and lose the appeal, you may have to pay for the coverage you received pending the appeal. You may hire a lawyer or work with legal services for the appeal, but you do not have to. Language interpretation services are available. A decision about your appeal must be made within 90 days of receiving your appeal request. If you do not agree with the appeal decision for MAGI Medicaid, you may appeal to the Board of Appeals. If you do not agree with the appeal decision for a Qualified Health Plan, you may appeal to the U.S. Department of Health and Human Services.

See listings under “Appeals” in Resources at the end of this section for more information on the appeals process. See the Legal Help chapter for information on finding legal help.

How Do I Renew Health Care Coverage?

If you have a Qualified Health Plan through Washington Healthplanfinder, you need to renew coverage each year during open enrollment. If you have MAGI Medicaid through Washington Healthplanfinder, you must renew it annually when Washington Healthplanfinder notifies you.

If you are renewing your MAGI Medicaid coverage, *see the “Medicaid” section of this chapter for information on how to renew.*

If you are renewing a Qualified Health Plan, *see the “Private Health Insurance” section in this chapter for information on how to renew.*

What If I Am Native American?

If you are a member of a federally recognized tribe or are an ANCSA shareholder, you can apply for health care coverage through Washington Healthplanfinder any time of year and you can change plans up to once a month. You may qualify more easily for programs and cost sharing plans through Washington Healthplanfinder. If you enroll in a private health insurance plan through Washington Healthplanfinder, you will still be able to get services from the Indian Health Service, tribal health programs, and urban Indian health programs. If you do not have health care coverage, you can apply for a tax penalty exemption.

The Washington Health Care Authority has partnered with tribal agencies to provide Navigators trained to help tribal members and shareholders search and apply for health care coverage.

For more information, see listings under “Native Americans” in Resources at the end of this section.

What If I Am an Immigrant?

Many immigration statuses are eligible for health insurance coverage through Washington Healthplanfinder. Information given by applicants cannot be used for the purpose of enforcing immigration laws. The documents you share can only be used to determine eligibility for health insurance coverage. *For more information, see listings under “Immigrants” in Resources at the end of this section.*

Resources

Appeals – MAGI Medicaid

- See your decision letter to confirm details about how, when, and where to submit your appeal.
- Appeal a decision about your eligibility for a Qualified Health Plan or decisions regarding your premium tax credit or cost-sharing reduction (and to request an interpreter):
By mail: Washington Health Benefit Exchange, ATTN: Legal Division, PO Box 1757, Olympia, WA 98507 (include your full name, date of birth, Washington Healthplanfinder application ID, and a daytime phone number where you can be reached)
By phone: 1-855-859-2512 (toll-free); TTY: 7-1-1
By email: appeals@wahbexchange.org
Online: www.wahbexchange.org/new-customers/appeals/
- Appeal a decision about your eligibility for MAGI Medicaid (and to request an interpreter):
By mail: Send *Administrative Hearing Request Form* (form # 12-511) (linked below) to: Health Care Authority, P.O. Box 45504, Olympia, WA 98504-5504
By phone: 1-855-623-9357 or 1-855-923-4633 (toll-free)
Online: www.wahealthplanfinder.org (log in and submit an appeal)
 - *Administrative Hearing Request Form* (form # 12-511):
www.hca.wa.gov/medicaid/forms

Appeals – Qualified Health Plans

- See your decision letter to confirm details about how, when, and where to submit your appeal.
- Washington Health Benefit Exchange Appeals Program
By phone: 1-855-623-9357 (toll-free)
By email: askmagi@hca.wa.gov
Online: <https://wabhexchange.org/customer-resources/appeals/>
- U.S. Department of Health and Human Services – Appeal Request Form (for Qualified Health Plans only)
By phone: 1-800-318-2596 (toll-free)
Online: www.healthcare.gov/downloads/marketplace-appeal-request-form-s.pdf

General Information about the Health Insurance Marketplace

- *Health Care Reform FAQs*, by the Kaiser Family Foundation (some information available in Spanish): Answers to a wide range of questions about the ACA, the Marketplace, eligibility, financial assistance, etc., as well as information specific for seniors, women, retirees, LGBT families, immigrants, and workers.
Online: <http://kff.org/health-reform/faq/health-reform-frequently-asked-questions/#question-betterdeal>

Information about Health Insurance Available on Washington Healthplanfinder

- Navigators: Washington Healthplanfinder offers free professional Navigators to help you find, research, and apply for health insurance.
By phone: 1-855-923-4633 (toll-free), Monday through Friday, 7:30AM to 8PM
Online: www.wahealthplanfinder.org; click on “Find a Navigator” toward the bottom of the page
- Statewide Health Insurance Benefits Advisors (SHIBA): Provides free, unbiased, and confidential help with Medicare and health care choices.
By mail: Office of the Insurance Commissioner, PO Box 40256, Olympia, WA 98504-0256
By phone: 1-800-562-6900 (toll-free); TDD: 360-586-0241; Monday through Friday, 8AM – 5PM
Online: www.insurance.wa.gov/about-oic/what-we-do/advocate-for-consumers/shiba/
- Washington Health Benefits Exchange: Resources and information about health insurance plans, eligibility, and choosing a plan.
By phone: 1-855-923-4633 (toll-free)
By email: customersupport@wabhexchange.org
Online: www.wabhexchange.org
 - Health insurance basics: www.wabhexchange.org/current-customers/know-your-plan/
 - Information for individuals and families: www.wabhexchange.org/new-customers/who-can-sign-up/individuals-and-families/
- Washington State Office of the Insurance Commissioner: Information about a range of health insurance

issues, for individuals, families, and employers.

By phone: 1-800-562-6900 (toll-free)

Online: www.insurance.wa.gov/your-insurance/health-insurance/understanding-health-insurance/

Immigrants

- *Health Care Reform: Immigrant Eligibility*, by Northwest Justice Project
Online: www.washingtonlawhelp.org/issues/health/health-care-reform-affordable-care-act
- Healthcare.gov: Information on health insurance coverage for immigrants.
Online: www.healthcare.gov/immigrants/coverage/
- National Immigration Law Center: Detailed information on ACA eligibility for immigrants.
Online: www.nilc.org/issues/health-care/
- Washington Health Benefit Exchange: Information on immigrant eligibility for individuals and families.
Online: www.wahbexchange.org/new-customers/who-can-sign-up/immigrants/

Native Americans

- Healthcare.gov: Health coverage information for American Indians and Alaska Natives.
Online: www.healthcare.gov/american-indians-alaska-natives/
- Indian Health Service: Frequently asked questions about IHS and the ACA. If you do not have Internet access, contact your local IHS, Tribal, Urban (I/T/U) facility to get this information. See listing below.
Online: www.ihs.gov/aca/index.cfm/faq/
- Seattle Indian Health Board:
In person: 611 12th Ave S., Seattle, WA 98144
By phone: (206) 324-9360; TTY: 7-1-1 or 1-800-833-6384 (toll-free)
By email: info@sihb.org
Online: www.sihb.org
- Washington Health Benefit Exchange: Information for tribal-member individuals and families.
Online: www.wahbexchange.org/new-customers/who-can-sign-up/tribal-members/

Using Washington Healthplanfinder

- Customer Support for Washington Healthplanfinder
By phone: 1-855-923-4633 (toll-free); TTY: 1-855-627-9604 (toll-free); Monday through Friday, 8 a.m. – 6 p.m.
By email: customersupport@wahbexchange.org
Online: www.wahbexchange.org/contact-us/contact-us/
- Navigators: Washington Healthplanfinder offers free professional Navigators to help you find, research, and apply for health insurance.
By phone: 1-855-923-4633 (toll-free), Monday through Friday, 7:30 a.m. – 8 p.m.
Online: www.wahealthplanfinder.org; click on “Find a Navigator” toward the bottom of the page

- Special Enrollment Periods
By phone: Call a Navigator (see previous listing)
Online: www.wahbexchange.org/new-customers/who-can-sign-up/special-enrollment-period/
- Washington Healthplanfinder: To shop and apply for health care coverage.
In person: Call for an appointment.
By phone: 1-855-923-4633 (toll-free), Monday through Friday, 7:30 a.m. – 8 p.m.
Online: www.wahealthplanfinder.org

Private Health Insurance

Do I Have to Buy Health Insurance?

It depends on your circumstances. If you are 65 or older and are eligible for Social Security benefits (or meet other eligibility requirements), you likely qualify for free to low-cost health care through Medicare. If you are younger than 65 and very low income, you may qualify for free health care coverage through Washington Apple Health. But there are situations where you may need to buy private health insurance, either for yourself or for a family member, to have minimum essential coverage. *See “The Affordable Care Act (ACA)” section of this chapter for information about minimum essential coverage. See the “Medicaid” section of this chapter for information about Washington Apple Health.*

How Much Does it Cost to Have Private Health Insurance?

Generally, the cost of health insurance coverage will depend on your age, where you live in Washington, if you are a smoker, and what kind of coverage you want. Costs include:

1. **Premiums:** The amount of money you pay each month for health insurance coverage is called your “premium.” If you have health insurance through your employer, you may not have to pay monthly premiums for yourself, but you will usually have to pay premiums for any family member covered by your employer’s insurance plan.
2. **Co-payments:** The amount of money you pay each time you receive a certain health care service or purchase something covered by your insurance is called a “co-payment.”
3. **Deductibles:** The amount of money you must spend on your health care before your health insurance company will begin paying is called a “deductible.” Co-payments count toward your deductible, but premiums do not.
4. **Co-insurance:** You may have to pay a percentage of your health care costs after you meet your deductible. This is called “co-insurance.” You may have to pay for co-insurance until you meet your plan’s out-of-pocket maximum. Once you meet your out-of-pocket maximum, your health insurance company must pay 100% of your health care costs.

If you apply for health insurance through Washington Healthplanfinder, you might qualify for financial help with the cost of coverage and medical expenses. *See “Can I Get Help Paying for My Health Care Coverage?” later in this section.*

What Kind of Plans are Available from Private Insurance Companies?

Private insurance companies offer a wide variety of plans (sometimes called “policies”). Plans can include coverage for many different health conditions, or just a few. Costs can also vary widely. Some plans will only cover the services provided by certain care providers. Some plans are considered Qualified Health Plans and others are not (*see next question “What Are ‘Qualified Health Plans?’”*). Your health care coverage will depend on your specific needs and circumstances. *For information on what to consider when shopping for private health insurance, see the listing for the Washington State Office of the Insurance Commissioner under “Choosing a Private Health Insurance Plan” in Resources at the end of this section.*

What are “Qualified Health Plans”?

A Qualified Health Plan is a private health insurance plan that includes minimum essential coverage and follows other ACA requirements (*see “The Affordable Care Act (ACA)” section in this chapter for information on ACA requirements and minimum essential coverage*). All Qualified Health Plans in Washington are

approved by the Washington State Office of the Insurance Commissioner. If you qualify, you can buy a Qualified Health Plan through Washington Healthplanfinder, from an insurance broker, or directly from the insurance company.

You may be able to apply for a Qualified Health Plan if you are a U.S. citizen or have an eligible immigration status, you live in Washington State, and you are not in jail or prison.

There are different “metal” levels of Qualified Health Plans: Bronze, Silver, Gold, and Platinum. The basic differences are:

- Bronze plans generally have the lowest monthly premiums but highest out-of-pocket costs.
- Silver plans generally have higher monthly premiums and lower out-of-pocket costs. **IMPORTANT:** You must choose a Silver plan to get cost-sharing reductions. *See the next question, “Can I Get Help Paying for My Health Care Coverage?”, for more information.*
- Gold plans generally have higher monthly premiums but lower out-of-pocket costs.
- Platinum plans generally have the highest monthly premiums and lowest out-of-pocket costs.

For more information about Qualified Health plans, see the listings under “Qualified Health Plans” in Resources at the end of this section. Also see the “Washington Healthplanfinder (‘The Exchange’)” section in this chapter for information on the application process, eligibility, appeals, and where to find help.

Can I Get Help Paying for My Health Care Coverage?

The ACA includes two ways to get help paying for private health insurance costs:

1. The Premium Tax Credit helps pay for some health insurance premiums. You may qualify for this tax credit if:
 - Your annual household income is below 400% of the Federal Poverty Level (*see listings under “Paying for Health Insurance” in Resources at the end of this section*);
 - You don’t qualify for Medicare or Medicaid;
 - You don’t have other affordable health care coverage options (like qualifying coverage through an employer); and
 - You buy a Qualified Health Plan through Washington Healthplanfinder.

Eligible immigrants who are not yet qualified for Washington Apple Health may also qualify for Premium Tax Credits.

The Premium Tax Credit can be applied each month to make your monthly premium more affordable or you can choose to have the entire Premium Tax Credit paid to you at the end of the year as a credit on your federal income taxes. The rules for the Premium Tax Credit are complex. Talk to a Navigator for help. *For more information, see the “Federal Taxes” section of the Personal Finances chapter in this Handbook. Also see Resources under “Paying for Health Care Coverage” at the end of this section. Contact information for Navigators is in the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter.*

2. Cost-sharing reductions help pay for out-of-pocket costs such as your deductible, co-payments and co-insurance. You may qualify for cost-sharing reductions if:
 - You are under age 65;
 - Your annual household income is under 250% of the Federal Poverty Level (or, if you are Native American, your annual household income is below 300% of the Federal Poverty Level); and
 - You buy a Silver level Qualified Health Plan through Washington Healthplanfinder.

For information on the Federal Poverty Level, see the Healthcare.gov link listed under “Paying for Health Care Coverage” in Resources at the end of this section.

What If My Employer Offers Health Insurance Benefits?

If you are 65 years old or older and eligible for Medicare, it is unlikely that you will be able to sign up for your employer’s health insurance plan. *See the “Medicare” section in this chapter for more information.* You are, however, allowed to sign up for a Flexible Spending Account (FSA) through your employer. An FSA can save you money on health care costs. A Health Savings Account (HSA) is different. If you already have an HSA at the time you sign up for Medicare, you can only use what is already in that account. You cannot contribute to or open a new HSA after you sign up for Medicare. Talk to your employer for more information and *see listings under “Paying for Health Insurance” in Resources at the end of this section.*

If you are under 65 years old, you have options. You can sign up for your employer’s health insurance plan or buy your own plan. However, if you buy your own plan, you might not qualify for the premium tax credit through Washington Healthplanfinder. It depends on whether your employer’s plan is considered “affordable” and offers you a “minimum value.” *For more information, see listings under “Employee Health Benefits” in Resources at the end of this section.*

How Do I Get Information About a Health Insurance Plan?

You can get information about different health insurance plans as you shop for one. Washington Healthplanfinder, insurance brokers, and insurance companies will give you information about different plans so you can make an informed choice. For free, unbiased help researching and buying a plan through Washington Healthplanfinder, you can talk to a Navigator, a Customer Support person from the Washington Health Benefit Exchange, or a Statewide Health Insurance Benefits Advisor (SHIBA). *See Resources at the end of this section.* Note that Navigators, Customer Support staff, and SHIBAs are legally unable to recommend plans. They can only help you get the information you need to make your own choice.

Once you have an insurance plan, the insurance company must send you plan materials that include details about the health insurance plan, like how much you will have to pay for certain health services, what the plan does not cover, how to appeal decisions, etc.

Can I Change Health Insurance Plans?

It depends. How and when you can change plans depends on why you need a new plan and where you get it.

If you want to switch to a different private health insurance plan, you may do so:

- Through Washington Healthplanfinder during open enrollment OR a special enrollment period;
- Through an employer during your employer’s open enrollment period or whenever you have a qualifying event, such as getting a new job;
- Through an insurance broker at any time; or
- Directly from the insurance company at any time.

For tips on what to consider when changing insurance plans, *see the listing for the Washington State Office of the Insurance of Commissioner under “Choosing a Private Health Insurance Plan” in Resources at the end of this section.*

See the “Medicaid” section for information about switching to Washington Apple Health coverage. See the “Medicare” section in this chapter for information about switching to Medicare coverage.

Can I Have More Than One Health Insurance Plan?

Generally, yes. Seniors on Medicare can buy “supplemental” coverage to help pay for the care, services, and supplies that Medicare does not cover completely or at all, such as hospital visits, prescription drugs, hearing aids, etc. *See the “Medicare” section of this chapter for more information on supplemental Medicare plans.* You may also be covered by a retiree plan from your former employer in addition to Medicare. If you travel abroad, you may want travel insurance that covers health emergencies. There may be other situations where you would want another insurance plan, but beware: the rules on having multiple insurance plans are complicated. You must find out which plan will pay your health care costs first, and make sure that the plans’ benefits work well together. Research carefully and get professional advice – from Medicare, your employee benefit plan administrator, a lawyer, a Navigator, etc. – before getting more than one health insurance plan.

What If I Lose My Health Insurance Because I Lose My Job?

You have two options: keep your employee health insurance through a law called COBRA, or sign up for health care coverage through Washington Healthplanfinder.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that may let you keep your employee health insurance if you lose your job. COBRA generally allows you to keep your employee health insurance for up to 18-36 months. Your spouse and dependents may be able to keep coverage too. However, this is expensive. You have to pay the entire premium plus a 2% administrative fee.

Your employer must tell you about your COBRA rights. You will then have 60 days to accept coverage. COBRA does not apply to employers with less than 20 workers, and there are some other exceptions.

Another option is to apply for new coverage through Washington Healthplanfinder. You have 60 days from the day you lost your job to get new health care coverage. You do not have to wait for the open enrollment period if you apply during the 60-day period.

If you lose your insurance and don’t replace it within 60 days, you will have to wait for the next open enrollment period to apply through Washington Healthplanfinder and you may have to pay a penalty at tax time for the months you did not have health care coverage. *See the “Federal Taxes” section of the Personal Finances chapter in this Handbook for more information about the ACA and taxes.*

Can I Appeal a Decision Made by My Health Insurance Company?

Yes. You can appeal any decision by a health insurance company about your health care, including decisions to deny or reduce your coverage or benefits. The health insurance company must continue your coverage until the appeal is decided. Look at the plan materials for important information about how to file an appeal and how long you have to ask for an appeal. Contact your health insurance company directly if you need help.

If you appeal *before* you receive the disputed health care service, your health insurance company has 30 days to respond once it receives all the information it needs to consider your appeal. If you appeal the decision *after* you receive the disputed health care service, your health insurance company may have up to 60 days to respond. If the issue is urgent, the company must act within 72 hours.

If you are not satisfied with the insurance company’s decision about your appeal, you can ask for an independent, third-party review. The insurance company must pay for the third-party review. The third-party’s decision cannot be appealed. If you lose, you might have to pay the medical bills.

Health insurance plans must follow the law when they make health care treatment decisions. If they do not, in some cases, you can sue for damages (money to compensate you for any harm you suffered because of the decision).

For more information, see the listings under “Appeals and Complaints” in Resources below. For information about appealing a decision by Washington Healthplanfinder, see the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter. For legal help, see the Legal Help chapter in this Handbook.

Can I File a Complaint?

Yes. You can file a complaint if your claim was denied, your policy is cancelled, or if you received bad customer service. If you bought your plan from a broker or directly from the insurance company, file your complaint with the Washington State Office of the Insurance Commissioner (OIC). The OIC investigates thousands of complaints every year, helps settle disputes, and enforces insurance law. You can call the free hotline, file a complaint online, file through the mail, or by fax. *See “Appeals and Complaints” in Resources below.*

What If I Am Native American?

See “What If I Am Native American?” in the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter.

What If I Am an Immigrant?

See “What If I Am an Immigrant?” in the “Washington Healthplanfinder (‘The Exchange’)” section of this chapter. Also see listings under “Immigrants” in Resources at the end of this section.

Resources

Appeals and Complaints

- *A Consumer’s Step-by-Step Guide to Navigating the Insurance Appeals Process*, by the Cancer Legal Resource Center: Written for people with cancer, but useful for all consumers.
By phone: 1-866-THE-CLRC (843-2572) (toll-free)
By email: clrc@lls.edu
Online: www.disabilityrightslegalcenter.org/national-materials; under “Health Insurance”
- Washington State Office of the Insurance Commissioner
By mail: P.O. Box 40256, Olympia, WA 98504-0256
By phone: 1-800-562-6900 (toll-free) (for information only)
By fax: 360-586-2018
Online:
 - Information and tips about the appeals process:
www.insurance.wa.gov/your-insurance/health-insurance/appeal/
 - To file a complaint against your health insurance company or agent, and check the status of a complaint:
www.insurance.wa.gov/complaints-and-fraud/file-a-complaint/

Cancer and Other Serious Illnesses

- Cancer Legal Resource Center: Legal information, resources, and referrals for people affected by cancer, including employment discrimination, insurance coverage issues, government benefits, access to health care, and estate planning. Offers some publications in Spanish.
By phone: 213-736-1455 or 1-866-THE-CLRC (843-2572) (toll-free)
Online: www.disabilityrightslegalcenter.org/cancer-legal-resource-center

Choosing a Private Health Insurance Plan

- Customer Support for Washington Healthplanfinder
By phone: 1-855-923-4633 (toll-free); TTY: 1-855-627-9604 (toll-free); Monday through Friday, 8 a.m. – 6 p.m.
By email: customersupport@wahbexchange.org
Online: www.wahbexchange.org/contact-us/contact-us/
- Navigators: Washington Healthplanfinder offers free professional Navigators to help you find, research, and apply for health insurance.
By phone: 1-855-923-4633 (toll-free), Monday through Friday, 7:30 a.m. – 8 p.m.
Online: www.wahbexchange.org; click on “Find a Navigator” at right
- Statewide Health Insurance Benefits Advisors (SHIBA): Provides free, unbiased and confidential help with health care coverage choices.
By mail: Washington State Office of the Insurance Commissioner, P.O. Box 40256, Olympia, WA 98504-0256
By phone: 1-800-562-6900 (toll-free); TDD: 360-586-0241; Monday through Friday, 8AM – 5PM
Online: www.insurance.wa.gov/about-oic/what-we-do/advocate-for-consumers/shiba/
- Washington State Office of the Insurance of Commissioner: Basic information and frequently asked questions, including “Who sells health insurance,” “What to do when changing policies,” and more.
By mail: Washington State Office of the Insurance Commissioner, P.O. Box 40256, Olympia, WA 98504-0256
By phone: 1-800-562-6900 (toll-free) (for information only)
Online: www.insurance.wa.gov/your-insurance/health-insurance/understanding-health-insurance/
- WithinReach: Provides access to local resources and information on a range of issues, including health care coverage.
By phone: 1-800-322-2588 (toll-free)
Online: www.withinreachwa.org
 - *What to Consider When Buying a Qualified Health Plan:*
www.withinreachwa.org/what-to-consider-when-buying-a-qualified-health-plan/
 - *I bought health insurance through the Washington Healthplanfinder. What's next?:*
www.withinreachwa.org/i-bought-health-insurance-through-the-washington-healthplanfinder-whats-next/

Employee Health Benefits

- Minimum Value and Affordability: Information from the IRS about employer-based health insurance and the ACA.
By phone: 1-877-829-5500 (toll-free)
Online: www.irs.gov/Affordable-Care-Act/Employers/Minimum-Value-and-Affordability
- U.S. Department of Labor, Employee Benefits Security Administration (EBSA): Information for consumers about employee health benefits, including COBRA, HIPAA, and mandated health benefits under federal law. Benefit advisors can answer questions, help you get your benefits, or understand the law.
By phone: 1-866-444-3272 (toll-free)
Online: www.dol.gov/ebsa/consumer_info_health.html

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *Planning with Purpose: Legal Basics for LGBT Elders* (see Part III), by National Center for Lesbian Rights
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf

Paying for Health Care Coverage

- Healthcare.gov: Information on cost-sharing, subsidies, and eligibility.
Online: www.healthcare.gov
 - Income guidelines:
www.healthcare.gov/glossary/federal-poverty-level-FPL/
 - Using a Flexible Spending Account (FSA):
www.healthcare.gov/have-job-based-coverage/flexible-spending-accounts/
- *Health Care Reform – Qualified Health Plans*, by Northwest Justice Project: For information on cost-sharing reductions available with Silver plans.
Online: www.washingtonlawhelp.org; click on “Health,” then “Health Care Reform / Affordable Care Act,” then scroll down and click on the publication title
- *Taxes and the Affordable Care Act – Premium Tax Credit*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Health,” then “Health Care Reform / Affordable Care Act,” then scroll down and click on the publication title
- Washington Health Benefits Exchange: Resources and information about financial help available through Washington Healthplanfinder.
By phone: 1-855-923-4633 (toll-free)
Online: www.wahbexchange.org/new-customers/financial-help/

- Washington State Office of the Insurance Commissioner: Information about financial assistance, including a Federal Poverty Level chart.
Online: www.insurance.wa.gov/your-insurance/health-insurance/individuals-families/help-paying-for-coverage/

Medical Debt

- *Your Medical Bills: A Consumer's Guide to Coping with Medical Debt*, by FamiliesUSA, on handling medical expenses.
By phone: 202-628-3030
Online: <http://familiesusa2.org/assets/pdfs/coping-with-medical-debt.pdf>

Qualified Health Plans

- *Health Care Reform – Qualified Health Plans*, by Northwest Justice Project
Online: www.washingtonlawhelp.org/issues/health/health-care-reform-affordable-care-act
- *Questions and Answers on Qualified Health Insurance Plans for [year] Health Coverage Tax Credit Eligibility*, by the Internal Revenue Service (IRS)
Online: www.irs.gov/Individuals/HCTC-Health-Plans-Q-and-A
- Washington Health Benefit Exchange: For a list of companies that offer Qualified Health Plans through Washington Healthplanfinder, including the counties that each company covers.
By phone: 1-855-923-4633 (toll-free)
Online: www.wahbexchange.org/new-customers/coverage-basics/health-plans-overview/

Self-Employed People

- Washington Health Benefit Exchange: Resources and information for self-employed people about income guidelines and applying for coverage through Washington Healthplanfinder.
By phone: 1-855-923-4633 (toll-free)
Online: www.wahbexchange.org/new-customers/who-can-sign-up/self-employed-people/

Charity Care

What If I Don't Have Health Insurance and I Can't Pay My Hospital Bill?

If you cannot pay your hospital bill, you may qualify for the hospital's Charity Care program. All medical hospitals and psychiatric hospitals in Washington State (except federal Veterans Administration hospitals) must, by law, have a Charity Care program. Each hospital must share its Charity Care policies with the Washington State Department of Health (*see Resources at the end of this section*).

Charity Care covers in-patient and outpatient services for very low-income patients. It also requires discounts for other low-income patients, generally based on the federal poverty guidelines. Charity Care does not cover services provided by medical personnel who are not hospital staff members, like most work by radiologists or anesthesiologists.

Even if you have health insurance, Charity Care may be able to cover your unpaid hospital bills like deductibles or co-pays. However, Charity Care will not cover hospital "extras" such as bills for telephone calls or cable television.

Who Is Eligible for Charity Care?

To be eligible for Charity Care, you must have no other insurance that covers all of the bill. You must also be financially unable to pay the hospital bill. Some Charity Care policies clearly state that care may not be denied on the basis of immigration status.

If you have any other health insurance (including private insurance, VA health care, Medicare, or Medicaid), you must make a claim to try to get your other insurance to pay for your health care. The hospital must make every reasonable effort to find out if a government agency or private insurance company will cover any of your charges.

If no insurance company or government program will cover all of your expenses, and if your income and resources qualify, then Charity Care should cover what you cannot pay.

Financial eligibility is determined by looking at your income and your financial resources. If your income is less than 100% of the Federal Poverty Level, you may get free care regardless of your resources. Depending on your resources, you may get care at a reduced cost if your income is up to 300% of the Federal Poverty Level. Financial resources could include things like your bank account, retirement accounts, stocks or bonds, and other valuable property you own.

See the "Medicaid" and the "Medicare" sections in this chapter for information about those programs, and the "State Financial Benefits" section of the Financial Benefit Programs chapter for information about VA health care.

How Do I Apply for Charity Care?

Your hospital's staff must give you written information on Charity Care and how to apply. The hospital must also display information about Charity Care in public areas of the hospital. You may also ask for an application at any time. The staff must give you the application if you ask for it. If you are unable to read or do not understand the written materials, someone at the hospital will explain Charity Care to you. If you need an interpreter, the hospital must provide a qualified interpreter. If you are not allowed to apply or are

unable to because the hospital fails to follow these rules, contact the Washington State Department of Health (DOH) (*see Resources at the end of this section*).

When you apply for Charity Care, you will have 14 days to show proof of your financial situation. You can use things like pay stubs, tax returns, and unemployment compensation forms.

The hospital will then send you a decision letter within 14 days of receiving your proof of financial situation. The letter will explain whether Charity Care will pay all, part, or none of your hospital bill.

If you are approved for Charity Care, you should get a refund within 30 days for any charges you paid that were supposed to be covered by Charity Care.

What If My Charity Care Application Is Denied?

If your application is denied, the hospital must explain why and must do so in writing. Directions for how to file an appeal will be included with the letter. You will have 30 days from the date on the decision letter to appeal. However, collection actions may begin only 14 days after the date on the decision letter. If you appeal on time but after a collection action has begun, the collection action must stop during your appeal.

If the hospital denies your appeal, you can send your appeal documents to the Washington State Department of Health (DOH) for review. DOH will also review if you feel you were mistreated in any way regarding the Charity Care process. If DOH concludes that your hospital was wrong to deny your application, the hospital and/or hospital staff may have to pay a penalty. *See Resources at the end of this section for appeal information.*

If your appeal is denied and you do not pay your hospital bills, the hospital may take collection action or sue you in court. You will have the chance to explain to the judge why you think the hospital's decision was wrong. *See the two Northwest Justice Project publications listed in Resources below for more information about Charity Care, appeals, and what to do if you are sued by the hospital. Also see all the resources listed under "Medical Debt," as well as the Legal Help chapter in this Handbook for direction on where to find legal help.*

Resources

- *Also see the "Patients' Rights" section of this chapter, including Resources.*

Appeals

- See the decision letter for instructions on the hospital's appeals process.
- Washington State Department of Health (DOH) Charity Care decision appeals:
By mail: Send a copy of your appeal to: Department of Health, Attn: Charity Care Appeals, Hospital and Patient Data Systems, P.O. Box 47814, Olympia, WA 98504-7814.
By phone: 360-236-4210 (information only)
By email: charitycare@doh.wa.gov

For More Information about Charity Care

- *Can I Get Charity Care Benefits To Pay For My Hospital Bill?*, by Northwest Justice Project: Includes sample letters to respond to debt collection for services Charity Care should have covered.
Online: www.washingtonlawhelp.org/resource/charity-care-medical-coverage-for-hospital-ba
- Northwest Health Law Advocates: Information on free and reduced-cost hospital care in Washington State.
Online: <http://nohla.org/infoAnalysis/charity.php>
- Washington State Department of Health (DOH) Hospital Patient Information and Charity Care: For information on each hospital's Charity Care policies.
By phone: 360-236-4210
By email: charitycare@doh.wa.gov
Online: www.doh.wa.gov/DataandStatisticalReports/HealthcareinWashington; in the grey menu at left, click on "Hospital and Patient Data," then, below that, "Hospital Policies"

Medical Debt

- *Also see the "Credit and Debt" section in the Consumer Guide chapter of this Handbook.*
- *Getting Help with Medical Debt in Washington State*, by Northwest Justice Project
Online: www.washingtonlawhelp.org/resource/getting-help-with-medical-debt-in-washington?ref=N7ccu
- *See "Can I Get Charity Care Benefits To Pay For My Hospital Bill?," by Northwest Justice Project, above.*
- *Your Medical Bills: A Consumer's Guide to Coping with Medical Debt*, by FamiliesUSA, on handling medical expenses.
By phone: 202-628-3030
Online: <http://familiesusa2.org/assets/pdfs/coping-with-medical-debt.pdf>

Patients' Rights

As a patient, you have many rights when it comes to your health care.

- You have the right to **informed consent**, which means that your doctor must give you the information you need to make decisions about your health care treatment.
- You have the right to certain **treatment** in hospitals and health care facilities.
- You have the right to file a **complaint** if the hospital does not treat you properly.
- You have rights to get your **medical records**, correct your records, and keep your records private.

In Washington State the “Patient Bill of Rights” also protects you when you are dealing with your health insurance company. *See the “Private Health Insurance” section in this chapter.*

Informed Consent

What Is Informed Consent?

You are in charge of your own body. A doctor must get your permission before she or he can provide you with medical treatment. In some cases, the doctor will give you a formal written agreement for you to sign to give your doctor permission to provide medical treatment. Before you sign the agreement, your doctor must tell you about:

1. Your condition;
2. Your treatment options;
3. The expected results of the treatment; and
4. The risks and benefits of the treatment.

This is “informed consent” – you receive necessary medical information and then make choices about your medical treatment. You may choose not to hear this information, but you should still talk with your doctor about what is important to you. You can also talk about your treatment options with a different doctor, family member, close friend, or anyone else you choose.

There are some situations when you do not need to give your informed consent, described later in this section.

What If I Have an Advance Directive?

An advance directive is a written document used to make decisions about your health care in advance about medical treatment; it is only used if you are unable to communicate with your doctor. For example, directives might be used if you are unconscious after an accident, in a coma, or have conditions like Alzheimer’s disease. If you can communicate with your doctor, the doctor does not need to look at your directive; instead, your doctor must get your informed consent before treating you. In most situations, you don’t have to make the same treatment choices as what you wrote in your directive. It depends on what type of directive you have. *For more information on advance directives, see the “Health Care Advance Directives” section in the Planning for the Future chapter of this Handbook.*

What If I Can't Give Consent?

If you can't give consent yourself – for example you are unconscious – Washington State law governs who will make these decisions for you. By law, the following persons may make health care decisions for you, in this specific order:

1. Your court-appointed guardian, if you have one, with health care decision making authority;
2. If none, your health care agent listed in your Durable Power of Attorney, if you have one;
3. If none, your spouse or your state-registered domestic partner;
4. If none, your adult children (at least 18 years old);
5. If none, your parents;
6. If none, your adult siblings; or
7. If none, the court may appoint a guardian.

If a category has more than one person (such as two or more adult children), then they all must agree.

For more information about guardians and durable power of attorney, see the "Health Care Advance Directives" section in the Planning for the Future chapter of this Handbook.

When Is a Health Care Provider Not Required to Get Informed Consent?

In an emergency, a health care provider can treat you without your consent if all of the following are true:

1. You can't give your consent because of your condition;
2. No person legally authorized to consent on your behalf is readily available;
3. You haven't made an advance directive; and
4. The treatment is lifesaving.

Can I Refuse Medical Treatment?

Yes. You can always refuse medical treatment, even if it is lifesaving, after you have been told about the risks and benefits of it. This is sometimes called "informed refusal." If you refuse medical treatment, many doctors will ask you to sign a form that says you are refusing treatment against medical advice.

Patient Rights

Patients seeking medical treatment have certain rights under federal and Washington State laws. When you enter a hospital or other facility, you should be given a written list of your health care rights.

What Are My Federal Patient Rights?

Under federal law, you have the right to:

- The same civil and legal rights as all U.S. Citizens.
- Be treated and cared for with dignity and respect.
- Be protected from abuse and neglect.
- Have confidentiality, privacy, security, spiritual care, and communication. If communication is restricted for patient care and safety, the hospital must explain the restrictions to the patient and family.
- Be informed and agree to your care, including refusing treatment ("informed consent" or "informed refusal").

- Be involved with all aspects of your care.
- Have advance directives followed by the hospital.
- Complain about your care and treatment without fear of having care denied to you.
- Have your complaints resolved in a timely manner.
- Have the services of an interpreter if you have limited English proficiency or are Deaf or hard of hearing.
- Have visitors.

Also see “What Are My Rights When in Residential Care?” in the Long-Term Care chapter of this Handbook, as well as the “Medicare” and “Medicaid” sections of this chapter for information on the rights of these patients.

What Are My Washington State Patient Rights?

The Washington State Patient Bill of Rights guarantees that people with private health insurance or Medicaid (Apple Health) will be able to get quality health care. Under the Patient Bill of Rights, patients:

- Have access to information about their health insurance plans;
- Have timely access to appropriate health care services, and choice among health care providers;
- Are assured that health care decisions are made by appropriate medical personnel;
- Have access to a quick and impartial process for appealing plan decisions;
- Are protected from unnecessary invasions of health care privacy; and
- Are assured that personal health care information will be used only as necessary to obtain and pay for health care or to improve the quality of care.

The Washington State Patient Bill of Rights does not cover people receiving Medicare, disability, workers’ compensation, or people with long-term care insurance. *See “What Are My Federal Patient Rights?” earlier in this chapter.*

How Do I File a Complaint Against a Licensed Health Care Facility?

When you enter a licensed health care facility, you should be given a written list of your health care rights. This list should include information about filing a complaint with that facility. The facility may have patient advocates (sometimes called ombudsmen or patient services consultants) to help you resolve your issue or file a complaint. Contact the facility’s customer service department and ask to speak with a patient advocate. If filing a complaint with the licensed health care facility does not resolve your complaint, you can file a complaint with the Washington State Department of Health. *See Resources at the end of this section.*

How Do I File a Complaint Against My Doctor or Other Health Care Professional?

You can file a complaint against a doctor, nurse, or other health care professional with the Washington State Department of Health. *See Resources at the end of this section.*

However, you should know that the Department of Health cannot usually deal with complaints about scheduling problems, personality conflicts, or disputes over bills or insurance (unless fraud is involved). Instead, the Department of Health can investigate unprofessional conduct, people practicing medicine without a license, or whether a health care provider can practice safely.

See the “Medicare” section of this chapter for information about filing a complaint if you are on Medicare and have concerns about the quality of your care received from a Medicare provider.

What Are My Rights If I Receive In-Home Care Services?

You also have patient rights if you get in-home care services. The provider must give you or a family member a written list of your rights, along with the name and contact information of his or her supervisor. You should be told about the complaint process. Also, you can call the Washington State Department of Social and Health Services Complaint line at 1-800-562-6078 (toll-free) or the Washington State Long-Term Care Ombudsman at 1-800-562-6028 (toll-free).

Medical Records

Is the Information in My Medical Records Private?

Yes. Both Washington State and federal laws protect the information in your medical records. You also have certain rights over your medical records and the information in them.

What Washington State Law Protects My Personal Health Information?

Chapter 70.02 of the Revised Code of Washington (RCW), protects your health care information and controls access and disclosure of that information. The rules apply to information held by most health care providers, and they protect any information that identifies a patient and directly relates to the patient's health care.

Another Washington State law, RCW Section 48.43.505, requires health care carriers and insurers to protect your privacy and make sure that the health care services you receive are kept confidential.

What Federal Laws Protect My Personal Health Information?

The Privacy Rules of HIPAA (Health Insurance Portability and Accountability Act) and the ACA (Affordable Care Act) are federal laws that protect your personal health information. These laws apply to information held by most health care providers and health plans. The laws do not usually apply to your employer, school districts, law-enforcement agencies, workers compensation carriers, life insurers, or state or municipal agencies.

The Information protected by HIPAA and the ACA includes:

- Information your doctors, nurses, and other health care providers put in your medical records (including electronic health records, which are covered by additional privacy and security rules);
- Conversations your doctor has about your care or treatment with nurses and others;
- Information about you in your health insurer's computer system; and
- Billing information about you at your clinic.

Do I Have Rights over the Information in My Health Records?

Yes. Health insurers and health care providers must:

- Let you see and get a copy of your health records if you ask for them;
- Let you dispute and/or correct your health information;
- Give you a notice that tells you how your health information may be used and shared;
- Let you decide if you want your health information to be used or shared for certain purposes, such as for marketing; and
- Give you a report on when and why your health information was shared for certain purposes.

How Do I Review and Get Copies of My Medical Records?

You must give written notice of your request to review and get copies of your medical records, and, under Washington State law, your health care provider must generally honor your request within 15 days. Your health care provider must also explain any abbreviations or codes used in your medical records.

Your health care provider may not keep the records from you because you have an outstanding balance. However, your provider is allowed to charge a fee for copying your medical records. As of 2015, the fee is a maximum of \$1.12 per page for the first thirty pages, \$0.84 per page for the additional pages, and a clerical fee of \$25. Also, if the provider has to edit confidential parts of the records as required by law, the provider can charge you the usual fee for a basic office visit.

When May My Health Care Provider Refuse My Request to Review and Get Copies of My Medical Records?

There are some situations when your health care provider can refuse to give you your medical records, such as if the information would harm you or someone else. The provider must deny your request in writing and explain the reasons for denying your request. Privacy laws are not a valid reason for a health care provider to refuse your written request for your own medical records.

If your provider denies your written request to review and get copies of your medical record, the provider must try to separate the information that cannot be disclosed from the information that can be disclosed, and give you a copy of the information that can be disclosed. If your request is denied because the provider believes that disclosure would harm you or someone else, you have the right, at your own expense, to have another health care provider submit a second opinion about whether you should be able to get your medical records or not.

Can My Health Care Provider Share My Medical Records with Others Without My Permission?

Except in very limited circumstances, your health care provider may only give your health care information to another person with your written permission.

May I Authorize My Health Care Provider to Give My Health Care Information to Someone Else?

Yes. You can allow your health care provider to give your medical records to someone else by making a written request. Your written request must describe:

1. Which information is to be shared;
2. Who the information is about;
3. Who is to receive the information; and
4. Who is to give the information.

Your health care provider must honor your request, but the provider may charge a fee for the copies of the records.

When May My Health Care Provider Share My Health Care Information Without My Written Permission?

Your health care provider may give your medical information to others without your written permission in limited circumstances, such as:

- When your health care provider is working with another person who provides you with health care services;
- When talking to a family member unless you submit a written request to your provider saying that they should not discuss your health care with your family;
- When a person needs the information for education, research or administration of health care by the health care provider; or
- When required by a court.

What Can I Do If My Medical Records Are Wrong?

You have the right to correct your medical records to make sure they are accurate and complete. To correct your medical record, you must make a request in writing. The provider then has 10 days to decide whether or not to correct your record. If your provider agrees that your medical records are wrong, the correction must be included in your records.

What If the Health Care Provider Does Not Agree that My Medical Record Should Be Corrected?

If the health care provider does not agree to correct your medical record, the provider must tell you within 10 days about your right to add a “statement of disagreement” to your record. A “statement of disagreement” is a brief statement of the correction you requested and the reasons you believe your record should be corrected. A note should then be placed in the records regarding your disagreement and stating where in the records the “statement of disagreement” can be found.

How Do I File a Complaint If My Health Information Rights Are Not Respected?

Your health care provider or facility should give you a statement of your health information privacy rights. It might be called something like “Health Privacy Notice” or “Notice of Information Practices.” This notice should tell you how to file a complaint with your health care provider or facility.

If this process does not resolve your complaint, you can file a complaint with the Washington State Department of Health. *See Resources at the end of this section.*

A HIPAA complaint can also be filed with the U.S. government’s Office of Civil Rights (OCR). A HIPAA complaint must be filed within 180 days of when you knew that the incident occurred. OCR may extend the 180-day period if you can show “good cause.” No one can retaliate against you for filing a complaint. You should tell OCR immediately if anyone retaliates against you. Washington State is in “Region X” of the OCR. *See Resources at the end of this section.*

What Can I Do If I Still Can’t Obtain or Correct My Medical Records?

Washington law allows you to get a court order that requires your health care provider to make your records available to you or correct your records. If you win, you may be awarded lawyer’s fees and expenses to cover the costs of the lawsuit and your actual damages. *See listings under “Medical Records” in Resources at the end of this section.*

What Is Medical Identity Theft?

Medical identity theft happens when a person steals your personal information and uses it to commit fraud. The thief may use your identity to get medical treatment or drugs or to bill an insurance company in your name. *See the Resources at the end of this section for more information. Also see the Consumer Guide chapter in this Handbook for more information on scams, fraud, and identity theft.*

Resources

- *See the “Medicare” and “Medicaid” sections in this chapter for more information on patient rights for people receiving Medicaid and/or Medicare. Also see the Long-Term Care chapter in this Handbook for long-term-care patient rights.*

Complaints

- Department of Social and Health Services (DSHS) Residential Care Services Complaint line:
By phone: 1-800-562-6078 (toll-free)
Online: www.dshs.wa.gov/altsa/long-term-care-professionals-providers; in the menu at left, click on “Residential Care Services,” then “Make an Online Incident Report”
- Washington State Department of Health (DOH): File a complaint against a licensed facility, doctor, nurse, or other health care professional with the DOH. Complaint forms available online and by request.
By mail: Health Systems Quality Assurance, Complaint Intake, P.O. Box 47857, Olympia, WA 98504-7857
By phone: 1-800-633-6828 (toll-free) or 1-360-236-4700 (Olympia) (information only)
By email: HSQAcomplaintintake@doh.wa.gov
Online: www.doh.wa.gov/AboutUs/DepartmentofHealth/Fileacomplaint

Informed Consent

- *Informed Consent and Medical Treatment: Understand What You Are Agreeing To*, by Northwest Justice Project (also available in Spanish)
Online: www.washingtonlawhelp.org/issues/health/basic-rights-of-all-health-care-consumers
- Department of Social and Health Services (DSHS): Resources and publications, including publications that can help you purchase Medicaid, learn about your health plan, and get information about recovering from addiction.
By mail: DSHS Warehouse, PO Box 45816, Olympia, WA 98504-5816
By fax: 360-664-0697
By phone: 1-800-422-3263 (toll-free)
By email: dshsfpw@dshs.wa.gov
Online: www.dshs.wa.gov/Publications/library.shtml

Medical Records

- Filing a HIPAA complaint with the U.S. government, Office of Civil Rights (OCR):
By phone: 206-615-2290 (Seattle Office; ask for a copy of the complaint form)
By email: OCRComplaint@hhs.gov (for help with or information about filing your complaint)
Online: www.hhs.gov/ocr/privacy/hipaa/complaints/

- U.S. Department of Health and Human Services: Resources on health information privacy.
Online: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org/issues/health; click on “Basic rights of all health care consumers”
 - *Keeping Your Medical Records Private*
 - *Reviewing and Getting Copies of Your Medical Records*
 - *My Medical Records Are Wrong*
- Privacy Rights Clearinghouse: Offers many fact sheets, publications, and webinars about medical privacy, as well as sample letters (some also available in Spanish). Will also answer questions and process complaints.
By mail: 3108 5th Avenue, Ste A, San Diego, CA 92103
Online: www.privacyrights.org/medical-privacy; for questions and complaints, click the blue “Questions/Complaints Start here” button, at right
- RCW (Revised Code of Washington) 70.02: Washington State law outlining your rights to your medical records.
Online: <http://app.leg.wa.gov/RCW/default.aspx?cite=70.02>

Cancer Patients and Others with Serious Illnesses

- CaringInfo: Resources for end-of-life planning
By phone: 1-800-658-8898 (toll-free)
Online: www.caringinfo.org; click on “Advance Care Planning”

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- National Center for Lesbian Rights publications:
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
 - *Planning with Purpose: Legal Basics for LGBT Elders* (see Part V)
www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf
 - *Navigating the System*: The state information is for California, but the general tips and federal information are useful for Washington residents.
www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf
- Washington State Office of the Insurance Commissioner: Information about transgender people’s health insurance rights.
By phone: 1-800-562-6900 (toll-free) (Monday through Friday, 8 a.m. to 5 p.m.)
Online: www.insurance.wa.gov/your-insurance/health-insurance/your-rights/transgender/

Medical Identity Theft

- Federal Trade Commission: Information and resources on medical identity theft.
By mail: Send your name, address, phone number, the publication title, and the number of copies you need to: Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue NW, Washington, DC 20580
Online: www.ftc.gov/bcp/edu/pubs/consumer/idtheft/idt10.shtm
- *See the Consumer Guide chapter in this Handbook.*
- World Privacy Forum: Consumer tips about what to do if you are a victim of medical identity theft or concerned about it.
Online: www.worldprivacyforum.org/2012/04/consumer-tips-medical-id-theft-what-to-do-if-you-are-a-victim/

Women

- Washington State Office of the Insurance Commissioner: Information about women's health insurance rights.
By phone: 1-800-562-6900 (toll-free) (Monday through Friday, 8 a.m. to 5 p.m.)
Online: www.insurance.wa.gov/your-insurance/health-insurance/your-rights/womens-health-rights/index.html



CHAPTER 2

Long-Term Care

What Is Long-Term Care?

Long-term care is assistance with personal care tasks that you may need because of illness or disability. You may need physical assistance, such as lifting you from a bed and setting you in a chair; or verbal assistance, such as reminding or cueing you while you perform your own personal care tasks. These personal care tasks are often called “activities of daily living,” and can include:

- Walking
- Toileting
- Dressing
- Transferring (for example, getting in and out of a bed or a chair)
- Eating
- Bathing or showering
- Grooming

The need for long-term care can happen at any age. However, most people will need long-term care as they grow older. Long-term care may include supervision if it is no longer safe for you to be alone because of mental illness, such as Alzheimer’s disease. Long-term care services may or may not include medical care.

What Is the Likelihood I Will Need Long-Term Care?

Many of us will need long-term care in our lifetime. According to the U.S. Department of Health and Human Services, about 70% of people age 65 and older need some form of long-term care in their lifetimes. Several factors affect the likelihood of needing long-term care, such as accidents, age, chronic illness, physical and cognitive disabilities, living alone, poor diet, and lack of exercise.

Can I Receive Long-Term Care at Home?

Depending on your needs, you might be able to receive long-term care in your own home or apartment. Long-term care is often provided at home through informal, unpaid arrangements with family, friends, or volunteers. Long-term care is also available through formal arrangements with paid providers. A paid provider could be a self-employed person you hire directly or an employee of a home-care agency. In-home care can include assistance with activities of daily living described above, as well as help with other necessities like meals and housekeeping. Most home care agencies also offer skilled medical care.

To receive long-term care at home, you might need to modify areas of your home, such as installing grab bars in the bathroom or widening doorways. You may also want to consider using other services, such as meal delivery programs, transportation services, and in-home nursing. If you are paying for long-term care

through Medicaid, you may be eligible for the Nurse Delegation Program (*see the listing for Aging and Long-Term Support Administration in Resources at the end of this chapter*).

If you receive long-term care at home, respite care may be available. Respite care gives your regular caregiver a break while someone else temporarily looks after your needs (*see the information under “Caregivers” later in this chapter*). Respite care services can be provided inside or outside of your home. In-home respite care options include personal care assistance, skilled nursing, companionship services, and housekeeping services. Respite options outside your home include adult day health centers and short-term stays at residential facilities.

What are My Options for Long-Term Care Outside My Home?

In Washington, there are several options for long-term care outside your home. The four options described below are regulated by the Washington State Department of Social and Health Services (DSHS), with one noted exception. All licensed long-term care facilities in Washington must follow certain state laws when providing care to residents with dementia.

Many providers and facilities offer specialized assistance through all phases of care for those suffering from Alzheimer’s disease or other forms of dementia or cognitive impairment. This is often called “Memory Care.” *See “Caring for an Adult with Alzheimer’s/Dementia” in the Other Resources chapter at the end of this Handbook.*

Note: Anyone living in a licensed long-term care setting should be aware of the Long-Term Care Ombudsman Program. The Long-Term Care Ombudsman Program advocates for the rights of long-term care residents, and provides services free of charge. *See “Where Can I Make a Complaint?” later in this chapter.*

1. **Assisted Living Facilities** – Assisted living facilities have seven or more residents, and the staff is responsible for the safety and well-being of the residents. Personal living spaces, meals and laundry are provided. Limited medical or personal care, on-site nursing and social activities may be offered.
2. **Adult Family Homes** – Adult family homes are single-family homes in residential neighborhoods that are licensed to care for two to six residents. Adult family homes provide room, meals, laundry, and assistance with personal care. Nursing care may be provided if the adult family home has a nurse on staff. An adult family home may be owned by an individual, a family, or a business.
3. **Nursing Homes** – Nursing homes provide full nursing care 24 hours a day, similar to a hospital. Nursing homes also provide a room (likely a shared room), meals, nutrition management, therapy, personal care, laundry, social services, and organized activities. Federal and state regulations apply to nursing homes.
4. **Continuing Care Retirement Communities (CCRC)** – Continuing Care Retirement Communities (CCRCs) are residential communities for wealthy adults who usually move in before they need long-term care. CCRCs – sometimes called “life plan communities” – are designed to meet residents’ needs as they age. They offer a range of housing and care options, including independent living, assisted living, and skilled nursing care. CCRC residents must sign complicated, long-term contracts with large buy-in fees and monthly service charges. Anyone interested in entering a CCRC should get legal and financial advice before signing a contract. DSHS does not license the independent living option, but does license any assisted living/nursing care option within the CCRC.

For more information on the types of long-term care and how to choose your best option, see Resources at the end of this chapter.

What About Retirement Homes?

Retirement homes – often called retirement or independent living communities – are not long-term care facilities. The staff does not provide medical services. Retirement community staff members **do not** take responsibility for the safety and well-being of the residents. Washington State does not license retirement communities, as medical care is not provided.

That said, if you are generally healthy and independent and would like to live in a community with other seniors, a retirement community may be an option for you. In a retirement community, you have a separate living space, either an apartment or a house. Services may include housekeeping, meals in a dining room, organized outings, and sometimes transportation to doctor appointments. Some retirement communities can provide referrals to companies independently providing on-site medical services for residents. Some retirement communities do have buttons or cords to quickly alert staff in case of emergency.

Can I Plan Ahead for Long-Term Care?

Though it is hard to know exactly what health or mobility challenges you may face, it is important to consider options and make plans for long-term care. Senior Information and Assistance programs are good resources for finding information (*see Resources at the end of this chapter*). You can visit assisted living communities and meet with home care agencies in your area. You can include long-term care in your estate plan. You can consider modifying your home or moving to a new home that is better suited for long-term care. You can discuss your plans and preferences with family and friends. *For more information about what you can do to plan ahead for long-term care, see the Health Care, Financial Benefit Programs, and Planning for the Future chapters in this Handbook.*

Long-term care planning often involves legal and financial advice, sometimes called “Medicaid planning.” This is a very complicated area of law. Get help from a lawyer who has experience in long-term care/ Medicaid planning. *See the Legal Help chapter in this Handbook for information on how to find a lawyer.*

How Can I Pay for Long-Term Care?

Long-term care is expensive. Often, a combination of payment sources is needed. Options include your own income and assets, government benefit programs, and long-term care insurance if you have it.

- **Medicare:** Medicare generally does not pay for long-term care. If you have been hospitalized, Medicare may, for a limited time (on average about 20 days, but can be as many as 100), pay for some in-home care or a stay in a rehabilitation or nursing facility after your hospitalization. Medicare covers only medically “reasonable and necessary” care and does not cover personal care that helps you with things like bathing and dressing (also known as custodial care). Nor will it cover transportation. *For more information on Medicare, see the Health Care chapter in this Handbook.*
- **Medicaid:** Medicaid is the government program that pays for most long-term care services today. Medicaid is for people with limited income and resources. Depending on the length of time care is needed, many people “spend down” their savings and assets in order to qualify for Medicaid. Medicaid does not pay money directly to you. Medicaid payments are sent directly to your care providers. *For more information on Medicaid long-term care coverage, see the Health Care chapter.*
Medicaid is generally considered the payer of last resort for long-term care. By law, the state may be paid back for long-term care services it paid for with Medicaid or other state funds. Payment is taken from the person’s estate after death. This is called “estate recovery.” *For more information on estate recovery, see the “Medicaid” section of the Health Care chapter.*

- **Veteran’s Long-term Care Benefits (Aid & Attendance and Housebound):** The U.S. Department of Veterans Affairs provides long-term care benefits for veterans and survivors who qualify for a VA pension. These benefits are called Aid & Attendance (A&A) and Housebound, and are paid in addition to the veteran or survivor’s monthly pension. A&A includes a small payment to help pay for funeral expenses. *For more information, see the “Veterans’ Benefits” section of the Financial Benefit Programs chapter in this Handbook. Also see Resources at the end of this chapter.*
- **Long-Term Care Insurance:** Long-term care insurance pays for care that is generally not covered by regular health insurance or Medicare. If you qualify, long-term care insurance may pay for long-term care in a variety of settings, including your own home. Long-term care insurance can help you protect your assets and retain more control over your health-care decisions later in life. Premiums are based on the person’s health and age at the time of application. If you are thinking of getting a policy, be sure to check details of what the policy covers and when it goes into effect. Also understand your premiums; for example, how much you must pay, when you must pay, and whether your premiums will increase over time. *For more information on paying for long-term care, see Resources at the end of this chapter.*
- **Washington State Long-Term Care Partnership Program:** The Washington State long-term care partnership program is a partnership between state government and private insurance companies that assists individuals in planning for their long-term care needs. Insurance companies have voluntarily agreed to participate in the partnership program by offering insurance policies that meet certain state and local requirements. If you have one of these insurance policies, the amount you received from your insurance policy to pay for your long-term care will be subtracted from your assets when you apply for Medicaid. This is called “asset disregard.” *For more information, see the publication “A Consumer’s Guide to Buying Long-Term Care Insurance,” by the Washington State Office of the Insurance Commissioner, listed in Resources at the end of this chapter.*

For related information about long-term care planning, see the following chapters in this Handbook: Health Care, Financial Benefit Programs, and Planning for the Future. Also see the “Retirement Plans and Pensions” section of the Personal Finances chapter in this Handbook.

What Are My Rights When in Residential Care?

Residents in long-term care facilities have all the civil and legal rights they had in their own homes. In Washington State, a combination of federal and state laws provide additional resident rights for people in nursing homes, assisted living, adult family homes, and certain veterans homes.

Resident rights cover all aspects of your stay, from admission, to living in the facility, through discharge. By law, long-term care facilities must promote and protect the rights of residents, and assist residents in asserting their own rights. *See “Long-Term Care Resident Rights (RCW 70.129)” in Resources at the end of this chapter.* The long-term care facility must give all new residents a written copy of their resident rights.

Some important rights are:

- **Respect:** You have the right to be cared for as an individual with dignity and respect. You have the right to a safe, clean, comfortable, and homelike environment.
- **Self-Determination and Participation:** You have the right to choose activities, schedules, and health care services that are consistent with your interests and plan of care.
- **Visits:** You have the right to interact with members of the community both inside and outside the facility. You also have the right to receive visits from relatives, friends, and other people.
- **Services and Fees:** You must be told in writing about services and fees before you enter the facility. This information must be in a language that you understand.

- **Money:** You have the right to manage your own money or to choose someone else you trust to do this for you.
- **Privacy:** You have the right to privacy, and to keep and use your personal belongings and property as long as it does not interfere with the rights, health, or safety of others.
- **Medical Care:** You have the right to be told about your medical condition, medications, and to see your own doctor. You also have the right to refuse medications and treatments.

Anti-discrimination laws apply to senior housing facilities as well. However, the federal Fair Housing Act specifically allows certain senior housing facilities to refuse to sell or rent to seniors who have children living with them. *See the “Landlord-Tenant Issues” section of the Housing chapter in this Handbook for more information.*

Where Can I Make a Complaint?

The Washington State Long-Term Care Ombudsman Program provides free advocacy for residents in long-term care facilities. Long-term care ombudsmen are trained to do the following:

- Investigate and resolve complaints made by or on behalf of residents.
- Support the development of resident and family councils within facilities.
- Provide services and other assistance to protect the health, safety, welfare, and rights of residents.

Call the Washington State Long-Term Care Ombudsman Program complaint hotline at 1-800-562-6028 (toll-free). Information related to complaints and ombudsman assistance is kept strictly confidential. *For more information, see Resources at the end of this chapter.*

If you suspect a person is being abused or neglected in a nursing home, assisted living community, or adult family home, call the DSHS Complaint Resolution Unit at 1-800-562-6078 (toll-free). *See also the Elder Abuse chapter in this handbook.*

What Are Special Issues in Long-Term Care for Immigrant Elders?

Immigrant elders may have additional challenges as they age in a place that is unlike their original home. Such challenges may include not having anyone to talk to who speaks their language; keeping problems to themselves or not seeking help; and cultural differences that may lead to conflicts with families. *See Resources at the end of this chapter for a list of agencies that can help immigrant elders.*

What Are Special Issues in Long-Term Care for LGBT Elders?

Many lesbian, gay, bisexual, and transgender (LGBT) seniors live alone and/or have no children. They may not have informal family caregivers or a strong network of friends who could provide assistance. LGBT seniors often avoid seeking the services they need because they fear discrimination. Social isolation has a huge impact on the health and well-being of LGBT seniors, but there are resources and protections available to members of the LGBT community.

Washington State law forbids discrimination in public accommodations and in transactions with insurance companies, including discrimination based on sexual orientation. Protections for LGBT persons expanded also with the Affordable Care Act (ACA), which prohibits discrimination in health care programs on the basis of sexual orientation and gender identity, among other traits. Just as important, it gives the DHHS Office for Civil Rights the authority to investigate violations. (Religious organizations may be exempt.) *See listings under “LGBT Elders” in Resources at the end of this chapter.*

There are specialized caregiver training programs aimed at teaching cultural competence, defining unacceptable practice, and promoting inclusiveness. *For more information, see the National Resource Center on LGBT Aging under “LGBT Elders” in Resources at the end of this chapter.*

Caregivers

Former First Lady Rosalynn Carter was an advocate for caregivers and wrote in her book, *Helping Yourself Help Others: A Book for Caregivers*: “There are only four kinds of people in this world: Those who have been caregivers; Those who currently are caregivers; Those who will be caregivers; Those who will need caregivers. That pretty much covers us all!”

In Washington State there are over 850,000 unpaid family caregivers, as reported by the Aging and Long-Term Support Administration (AL TSA). These caregivers help seniors and others with functional and mental disabilities to remain at home and keep their independence for as long as possible. Caregivers not only help with the senior’s basic daily needs (such as helping with medicines, bathing and with meals), but also often have to help with the senior’s medical insurance, financial and legal needs. This Handbook is written for both seniors and their caregivers. Each chapter has important information about legal issues which impact both seniors and their caregivers. *Be sure to review the resources listed at the end of this chapter and the caregiving resources listed in the Other Resources chapter at the end of this Handbook.*

Caregiving is an important job. It can also be a very difficult job, especially if the caregiver is also a senior with limited financial resources. The state and federal governments administer two programs, Community First Choice and COPES, which pay for a caregiver if the senior is very low income, lives at home, and qualifies for the care. Paid caregivers are called “Individual Providers” (IPs) and cannot be the spouse of the person needing care. However, IPs can be a qualified relative or friend. *See the “Medicaid” section in the Health Care chapter for more information about COPES and the new Community First Choice (CFC) programs.*

For unpaid caregivers, many tools, resources and support programs – like respite care – are now available. *The following resources and more are listed in the Other Resources chapter at the end of this Handbook:*

- The state-wide Family Caregiver Support Programs (FCSP) which are part of AL TSA, along with the Area Agencies on Aging (AAA). Together, they operate the local Family Caregiver Support Programs in each county.
- Community Living Connections is part of a national collaborative effort of the U.S. Department of Health and Human Services, the Veterans Administration, and the Centers for Medicare & Medicaid Services, designed to help individuals of all ages, disabilities and income levels, their caregivers, legal representatives and families get the right home and community-based supports and services.
- Senior Information & Assistance (I & A) offices are located across the state to help adults who are 60 years old and older or anyone providing unpaid care for an adult who is 60 years old or older.
- *Family Caregiver Handbook*, by AL TSA, offers practical daily care information; where to turn when you need help; how to choose and pay for residential care when care at home is no longer possible; and a section “Planning for Tomorrow” including important legal topics (Wills, Power of Attorney, POLST, Health-Care Directives, etc.) and financial planning information.

Resources

Choosing a Facility or Caregiver

- Aging and Long-Term Support Administration (AL TSA) of the Washington State Department of Social and Health Services (DSHS)
By phone: 1-800-422-3263 (toll free); TTY: 1-877-905-0454 (toll-free)
Online: www.dshs.wa.gov/altsa
 - Adult Family Home Locator:
<https://fortress.wa.gov/dshs/adsaapps/lookup/AFHPubLookup.aspx>
 - Assisted Living Facility Locator:
<https://fortress.wa.gov/dshs/adsaapps/lookup/BHPubLookup.aspx>
 - Information on in-home services, including types of services, who to contact, and how to choose services (includes links to information about the Nurse Delegation Program):
www.dshs.wa.gov/altsa/home-and-community-services/services-help-adult-remain-home
 - Information on residential options, including finding and choosing homes and retirement communities:
www.dshs.wa.gov/altsa/residential-care-services/long-term-care-residential-options
 - *Choosing Care in an Adult Family Home or Assisted Living Facility*:
www.dshs.wa.gov/sites/default/files/SESA/publications/documents/22-707_2.pdf
 - *Hiring Family or Friends as Your Caregiver*:
www.dshs.wa.gov/sites/default/files/SESA/publications/documents/22-1332.pdf
- Area Agency on Aging (AAA): Helps seniors plan and find long-term care.
By phone: Call 2-1-1 or AL TSA headquarters (listed above) (ask for the phone number for your county's Area Agency on Aging)
Online: www.dshs.wa.gov/altsa/resources (this resource list includes contact information for many agencies and services in each county of Washington State, including AAA)
- Certified Aging-in-Place Specialists (CAPS) information: Information from AARP about CAPS, who offer expert advice on remodeling or adapting a house to accommodate special needs.
By phone: 1-888-687-2277 (toll-free); TTY: 1-877-434-7589 (toll-free); Spanish 1-877-627-3350 (toll-free)
Online: www.aarp.org/livable-communities/info-2014/using-an-OT-or-CAPS.html
- Home Care Referral Registry: Provides referrals to screened in-home care providers for people who receive public funding and information about hiring and supervising in-home care providers. Materials available in multiple languages (click on "Translated Materials" at left).
By phone: 1-800-970-5456 (toll-free)
Online: <http://hcrr.wa.gov>

- Home Health Compare: Medicare’s information on finding and comparing home health agencies, including the free publication *Medicare and Home Health Care* (publication ID 10969) (print version also available in Spanish). To find this publication online, go to the webpage listed below and click on “Resources” in the menu at the top of the page, then on “Publications,” then click on the title of the publication.
By phone: 1-800-MEDICARE (1-800-633-4227) (toll-free); TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov/homehealthcompare
- Nursing Home Compare: Medicare’s information on finding and comparing nursing homes, including the free publication *Guide to Choosing a Nursing Home* (publication ID 02174) (print version also available in Spanish). To find this publication online, go to the webpage listed below and click on “Resources” in the menu at the top of the page, then on “Publications,” then click on the title of the publication.
By phone: 1-800-MEDICARE (1-800-633-4227) (toll-free); TTY: 1-877-486-2048 (toll-free)
Online: www.medicare.gov/nursinghomecompare
- *Nursing Homes: Making the Right Choice*, by the National Institute on Aging (also available in Spanish).
By phone: 1-800-222-2225 (toll-free), Monday to Friday from 8:30 AM to 5:00 PM Eastern Time
Online: www.nia.nih.gov/health/publication/nursing-homes

General Long-Term Care Resources

- Community Living Connections: Helps people navigate long-term services and supports for you or a loved one. Provides information, referral, and awareness; options counseling and assistance; streamlined eligibility assistance for public programs; and person-centered care transition supports.
By phone: Call AL TSA and ask for your local CLC office: 1-800-422-3263 (toll free); TTY: 1-877-905-0454 (toll-free)
Online: <https://washingtoncommunitylivingconnections.org/consumer/connect/index.php>
- *Long-Term Care Manual*, by AL TSA: A detailed manual that describes a variety of long-term care services, eligibility, and the process for qualifying. It is written for long-term care providers and professionals but is a useful reference for consumers and caregivers as well.
By phone: 1-800-422-3263 (toll free); TTY: 1-877-905-0454 (toll-free)
Online: www.dshs.wa.gov/altsa/home-and-community-services-information-professionals/long-term-care-manual

Immigrant Elders

- Asian Counseling and Referral Services: Offers services for the aging adult and serves 30 languages and dialects; locations in Seattle and Bellevue, WA
By phone: 206-695-7600; TTY: 206-695-7609
Online: <http://acrs.org/services/aging-services-for-older-adults/>
- Chinese Information and Service Center: Offers many services in the Puget Sound area, including senior daycare. There are no restrictions on eligibility and interpreters for many Chinese dialects are available.
By phone: 206-624-5633
Online: www.cisc-seattle.org
- *Invisible Immigrants, Old and Left With ‘Nobody to Talk To’*, by Patricia Leigh Brown, *The New York Times*, 8/30/09
Online: www.nytimes.com/2009/08/31/us/31elder.html

- Korean Women’s Association (KWA): Offers chore services, personal care, low-income senior housing, senior day care, and senior meal sites to low-income, non-English speakers of all ethnicities. Offices in Tacoma, Federal Way, Lacey, Centralia, and Shelton, and partnerships in other Washington locations.
By phone: 253-535-4202 or 1-888-508-2780 (toll-free)
Online: www.kwacares.org
- Refugee and Immigrant Family Program Tacoma Community House: Serves many ethnic groups in Tacoma, WA.
By phone: 253-383-3951
Online: www.tacomacommunityhouse.org
- Refugee and Immigrant Forum of Snohomish County: Serves many ethnic groups in Everett, WA.
By phone: 425-388-9307
- Refugee Women’s Alliance (REWA): Serves Cambodian, Laotian, Mien, Hmong, Vietnamese, Chinese, Ethiopian, Eritrean, Orano, Somali, Russian, Ukrainian, Lithuanian, and other Eastern European women in the Seattle area.
By phone: 206-721-0243; TTY: 7-1-1
Online: www.rewa.org
- SeaMar Community Health Centers’ Latino Senior Information and Assistance Program, Information and Assistance Program, and Senior Nutrition Program: These programs offer free services to people over 55 living in various King County locations.
By phone: 206-764-4700
Online: www.seamar.org/static_pages/community_information.php

Lesbian/Gay/Bisexual/Transgender/Intersex Elders

- American Society on Aging (ASA): Includes the LGBT Aging Issues Network (LAIN) and the LGBT Aging Resources Clearinghouse.
Online: www.asaging.org/lain
- National Center for Lesbian Rights publications:
 - By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
 - By email: info@nclrights.org
 - *Planning with Purpose: Legal Basics for LGBT Elders* (see Part V)
www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf
 - *Navigating the System*: The state information is for California, but the general tips and federal information are useful for Washington residents.
www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf
- National Resource Center on LGBT Aging: A technical assistance resource center aimed at improving the quality of services and supports offered to LGBT older adults.
By phone: 212-741-2247
By email: info@lgbtagingcenter.org
Online: www.lgbtagingcenter.org
 - Information on housing, homelessness & long-term care for LGBT adults:
www.lgbtagingcenter.org/resources/resources.cfm?s=15
 - Trainings for caregivers:
www.lgbtagingcenter.org/training/index.cfm

- SAGE (Services and Advocacy for GLBT Elders), Olympia, WA, chapter: SAGE is a national organization dedicated to LGBT elders and their caregivers. The SAGE Olympia group promotes the wellness of LGBT elders and caregivers in the Thurston County area with referrals, services and advocacy.
By phone: 1-360-602-1204
Online: www.sageolympia.org
- U.S. Department of Health and Human Services: Long-term care considerations for LGBT adults.
Online: www.longtermcare.gov/the-basics/lgbt/
- Washington State Human Rights Commission: To file a complaint if you feel you have been discriminated against.
By phone: 1-800-233-3247 (toll-free) (English or Spanish); TTY: 1-800-300-7525 (toll-free)
Online: www.hum.wa.gov

Paying for Long-Term Care

- *See the Medicaid section of the Health Care chapter in this Handbook for information on applying for long-term care coverage from Medicaid.*
- *A Consumer's Guide to Buying Long-Term Care Insurance*, by the Washington State Office of the Insurance Commissioner: Information about buying long-term care insurance and paying for it from your own assets.
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov/your-insurance/long-term-care/
- Columbia Legal Services publications:
Online: www.washingtonlawhelp.org; click on "Seniors," then click on "Long-Term Care Assistance"
 - *Estate Recovery for Medical Services Paid for by the State*
 - *Questions and Answers on the COPES Program*
 - *Questions and Answers on Medicaid for Nursing Home Residents*
- Medicare Coverage of Skilled Nursing Facility Care (Pub #10153) (also available in Spanish), by the Centers for Medicare and Medicaid Services
By phone: 1-800-MEDICARE (633-4227) (toll-free); TTY: 1-877-486-2048
Online: www.medicare.gov/Pubs/pdf/10153.pdf
- National Clearinghouse for Long-Term Care Information: Information on paying for long-term care through your employer or on your own, including information on the expected costs of long-term care in each area of the country.
In person: See the Human Resources personnel at your job.
Online: www.longtermcare.gov
- National Council on Aging: Questionnaire to help you check your benefits eligibility for long-term care.
Online: www.benefitscheckup.org; click on the orange "Get Started Now" button
- Statewide Health Insurance Benefits Advisors (SHIBA) Helpline: Offers free, unbiased health-insurance counseling.
By phone: 1-800-562-6900 (toll-free)

- *Understanding Your CARE Assessment Tool*, by DSHS: Information about the Comprehensive Assessment Reporting Evaluation to assess how many in-home personal care hours you qualify for.
Online: www.washingtonlawhelp.org; click on “Seniors,” then click on “Long-Term Care Assistance”

Resident Rights

- *20 Common Nursing Home Problems and How to Resolve Them*, by Justice in Aging (formerly known as The National Senior Citizens Law Center)
By phone: 202-289-6976 x 200
Online: www.justiceinaging.org/20-common-nursing-home-problems/
- RCW (Revised Code of Washington) 70.129: Washington State law outlining the rights of residents in long-term care facilities.
Online: <http://app.leg.wa.gov/RCW/default.aspx?cite=70.129>
- The National Consumer Voice for Quality Long-Term Care: Offers fact sheets on nursing homes and links to resources for assisted living and home care.
By phone: 202-332-2275
Online: www.theconsumervoice.org/issues/recipients/nursing-home-residents/fact-sheets
- Washington State Long-Term Care Ombudsman Program: Advocates for the rights of clients in long-term, adult-care facilities.
By phone: 1-800-562-6028 (toll-free) (complaint hotline)
Online: www.waombudsman.org

Resources for Caregivers

- *See the listings under “Caregivers” in the Other Resources chapter at the end of this Handbook. Be sure to review the entire resource list for this chapter also, particularly “Choosing a Facility or Caregiver.” In addition, many of the resource lists in this Handbook may be helpful to you, such as those in the Health Care chapter, the Planning for the Future chapter, and the Consumer Guide chapter.*

Veterans’ Benefits

- Aid & Attendance and Housebound Benefits: You may apply for Aid & Attendance or Housebound benefits by writing to the Pension Management Center listed below. See the web page listed below for information on what to include with your benefit request.
By mail: St. Paul VA Regional Office, Pension Management Center (335/21P), P.O. Box 11000, St. Paul, MN 55111-0000
By phone: 1-800-827-1000 (information only)
Online: www.benefits.va.gov/pension/aid_attendance_housebound.asp
- National Association Veterans & Families
By phone: 1-800-352-2919 (Monday through Friday, 9 to 5 PM EST)
Online: www.navf.org



CHAPTER 3

Financial Benefit Programs

Social Security

What Is Social Security?

Social Security is a series of financial benefit programs run by the U.S. government's Social Security Administration (SSA). SSA sends out monthly payments to:

- Retired people and disabled people,
- Their children and their spouse/ex-spouse, and
- Their survivors after death.

In general, to get Social Security benefit money, you must have a Social Security number and card, live in the U.S., and either be a citizen or a legal alien allowed to work in the U.S. Qualifying spouses must also meet those same requirements. (*Same-sex couples: See "Important Information for Same-Sex Couples" later in this section.*)

Two Social Security benefit programs are covered in this section:

- Social Security retirement benefits – Benefits for workers age 65 and older who have worked and paid Social Security tax for at least 10 years; also available to qualifying spouses, ex-spouses, children and survivors.
- Social Security Disability Insurance (SSDI) – Benefits are available to workers who have paid some Social Security taxes and are now disabled and cannot work.

The next section of this chapter covers the third benefit program:

- Supplemental Security Income (SSI) – Benefits for people with very low income and limited financial resources (assets), and who are either blind, disabled, or age 65 or older. This SSI benefit often "supplements" (is paid together with) a Social Security retirement benefit.

Social Security retirement benefits are a main source of income for many seniors age 65 and older. Unlike Medicaid and many other government programs, your financial resources (assets) do not affect your Social Security retirement benefit payments. Social Security retirement benefits include annual cost-of-living adjustments and are paid out as long as you live. After your death, your retirement benefits can sometimes be passed on to a spouse or other family members. More information about this is included later in this section.

It is also important to understand that if you qualify for Social Security retirement benefits, and you are age 65 or older, you (as well as your qualifying spouse and/or ex-spouse) also qualify for Medicare health care coverage (*see the “Medicare” section in the Health Care chapter of this Handbook*).

How Can I Get a Social Security Number?

To participate in the Social Security programs, you must have a Social Security number and card. If you do not have a number and card already, you must:

1. Complete an Application for a Social Security Card (Form SS-5), and
2. Provide original documents or certified copies of documents that prove:
 - a. Your United States citizenship or immigration status (if you are an immigrant you must also include a document showing you have permission from the Department of Homeland Security to work in the United States),
 - b. Your age, and
 - c. Your identity.

If you are a legal immigrant but do not have permission to work, you can, under certain circumstances, get a Social Security number and card. However, this does not mean you can collect benefits. If you do have a work permit, *see “What If I’m Not a U.S. Citizen?” below for more information*. If you need the help of an interpreter to apply for a card, Social Security will provide one. *See Resources at the end of this section for “Application for a Social Security Card (Form SS-5),” and for the Social Security publication “Social Security Numbers for Noncitizens.”*

What If I Am Not a U.S. Citizen?

If you are a “legal alien” (also called “noncitizen”) with written permission to work in the U.S. by the Department of Homeland Security, you can apply for a Social Security number. You may also qualify for Social Security retirement benefits. Your noncitizen family members, including your spouse, ex-spouse, children, and dependent parents, may also qualify for certain Social Security benefits. Many rules apply, however. Talk to a Social Security representative to learn more.

How Can I Get a New Social Security Card?

To replace a lost card, you must show SSA picture identification.

To change the name on your card when you marry, or divorce, or change your name for any other reason, you must show SSA a marriage certificate, divorce papers, or the court order permitting the name change.

Important Information for Same-Sex Couples

In June 2015, the U.S. Supreme Court held that same-sex couples have the right to marry in all states. As a result, more same-sex couples will be recognized as married for purposes of determining entitlement to Social Security benefits or eligibility for Supplemental Security Income (SSI) payments. As of the date of this handbook’s publication, the Social Security Administration was working on instructions for processing claims. They are encouraging same-sex couples to apply right away for benefits and to appeal denials.

Social Security Retirement Benefits

Can I Get Social Security Retirement Benefits?

You can get Social Security retirement benefits if:

1. You are age 62 or older (*see “When Can I Start Getting Social Security Benefits?” later in this section*), **and**
2. You are a U.S. citizen (or a qualifying “legal alien” – *see “What If I Am Not a U.S. Citizen?” earlier in this section*), **and**
3. You have worked and paid Social Security taxes for at least 10 years.

Retirement benefits for qualifying family members is discussed later in this section.

To be eligible for Social Security retirement benefits, most people need 40 Social Security work “credits.” You can earn up to four credits per year. That is why it takes at least 10 years of work to get the minimum retirement benefits. You get a credit after you earn a set amount of money. For instance, in 2015, one credit was given for each \$1,220 earned. Some jobs, such as federal government jobs, are not covered by Social Security. These jobs offer different retirement benefits (*see the “Pensions and Retirement Plans” section of the Personal Finances chapter in this Handbook*). With certain other jobs you can work fewer than 10 years and pay a different amount of Social Security tax.

If you aren’t old enough to qualify for Social Security retirement benefits, you may still be eligible for Social Security Disability Insurance. If you don’t have the work credits, you may still qualify for Supplemental Security Income. *To learn how Social Security Disability Insurance is different from Social Security retirement benefits, see “What Is Social Security?” at the beginning of this section.*

What If I Am American Indian or Alaska Native?

Social Security is neutral with respect to race or ethnicity – individuals with identical earnings histories are treated the same in terms of benefits. The Social Security Administration offers information and frequently asked questions specifically for American Indian and Alaska Native people. *See Resources under “Native Americans” at the end of this section.*

How Do I Apply?

You can apply in person, online or by telephone. An in-person or telephone application is called a “claims interview.” A claims interview lasts about one hour. To schedule an in-person or telephone claims interview, call 1-800-772-1213 (toll-free). If you are deaf or hard of hearing, call the TTY number, 1-800-325-0778 (toll-free). If you need the help of an interpreter to apply for benefits, Social Security will provide one. *Links to the online application and a helpful checklist are listed under “Applying for Social Security Benefits” in Resources at the end of this section.*

How Much Will I Get?

The amount of retirement benefits you will get each year depends on two things:

1. An average of your earnings from the 35 years when you made the most money and paid payroll tax (if during that 35-year time period there was a full year or years during which you did not work, those years will be included in your average as \$0 – zero – which lowers your average), **and**
2. Your age when you choose to start getting benefits.

The longer you work, and the higher your earnings (and the more you pay into Social Security through taxes), the higher your Social Security retirement benefit will be. If you work and file an annual income-tax return, you can view your “Personal Earnings and Benefits Estimate Statement” by requesting one from your local Social Security office, or online at www.ssa.gov/retire/estimator.html.

When Can I Start Getting Social Security Retirement Benefits?

At age 62 you can start getting early retirement benefits, but your benefits will be 25%-30% less than if you wait until you reach full retirement age to start getting benefits. Your full retirement age depends on the year of your birth. For example, full retirement age is 66 if you were born between 1943 and 1954.

You may also be able to use your spouse’s (or ex-spouse’s) work record to qualify for your own Social Security retirement benefits.

If you start getting benefits before your full retirement age, you can continue to work. *For more information on working before your full retirement age and receiving retirement benefits at the same time, see the Employment chapter of this Handbook.* For help deciding what’s best for you, contact a Social Security representative. Check online at www.ssa.gov, or call 1-800-772-1213 (toll-free) the year before you plan to retire. If you stop working before reaching full retirement age, but then start working again, you should call that number.

Will I Have to Pay Taxes on My Social Security Retirement Benefits?

You will have to pay taxes on your Social Security retirement benefits if your total income is more than a certain amount, which changes each year. *For more information, see the “Federal Taxes” section of the Personal Finances chapter.*

Do My Family Members Qualify for My Retirement Benefits?

In some situations your spouse, your ex-spouse(s), child(ren) or grandchild(ren) may qualify for Social Security retirement benefits based on your work record. This does not affect the amount of your benefit payments. Below is a brief description of how this works for each family member.

Retirement Benefits for Your Spouse: If your spouse earned less than you did – including not working for pay at all – over your highest 35 earning years, he or she may be able to get separate benefits worth 50% of your benefits if:

- You are receiving Social Security retirement benefits, or
- You are full retirement age, but have not applied for benefits, and
- Your spouse is age 62 or older, or
- Your spouse is younger than 62, is unemployed, and is caring for your child who is younger than 16 or is disabled.

However, your spouse may receive less or none of your benefits if she or he can get her or his own Social Security or other retirement benefit.

Retirement Benefits for Your Ex-Spouse: Even if you are not getting retirement benefits, and even if you are remarried, your ex-spouse(s) may get benefits if:

- Your ex-spouse is age 62 or older, and
- Your ex-spouse is not remarried (being a registered domestic partner in Washington State is not the same as being remarried), and

- You and your ex-spouse were married for at least 10 years, and
- You have been divorced for at least 2 years.

Your ex-spouse can get these benefits, even if you are not getting retirement benefits yet, and even if you have remarried. The amount of benefits he or she gets has no effect on the amount of benefits you or your current spouse can get. If an ex-spouse works or qualifies for his/her own Social Security retirement or other retirement benefits, this benefit may not be available to him or her. Other rules may apply that may limit your ex-spouse's benefits.

Retirement Benefits for Your Unmarried Child or Dependent Grandchild: An unmarried dependent child (biological, adopted, or stepchild) or dependent grandchild may also get benefits while you are still living, based on your work record, if:

- The child is under age 18, or
- The child is age 18 to 19 and a full-time student (up through grade 12), or
- The child is age 18 or older and disabled (and the disability began before age 22).

Can My Family Members Get My Retirement Benefits After I Die?

Depending on the number of credits you have and your age, SSA may pay “survivors benefits” to:

- Your surviving spouse – full benefits at full retirement age, or reduced benefits as early as age 60.
- Your disabled surviving spouse – as early as age 50.
- Your surviving spouse at any age if he/she takes care of your child who is receiving Social Security benefits because he/she is under age 16 or disabled.
- Your unmarried child under age 18, or up to 19 if attending high school full time (under certain circumstances, benefits can be paid to a stepchild, grandchild, or adopted child).
- Your child of any age who was disabled before age 22 and remains disabled.
- Your dependent parents (you provide at least 50% of their support) age 62 or older.
- Your divorced spouse, age 60 or older (age 50 if disabled), if the marriage lasted 10 years or longer.

Note that the survivor benefits are reduced by the amount of Social Security benefits the survivor already gets.

If your surviving spouse remarries before age 60, survivors benefits will end unless that marriage ends (by death, divorce, or annulment). If your surviving spouse, under age 60, enters into a registered domestic partnership instead of remarrying, he/she can get survivors benefits under Washington law if the new partner is at least 62.

If your surviving spouse remarries after age 60 (50 if disabled), survivors benefits will continue. And when the surviving spouse reaches 62 or more, he/she can collect retirement benefits based on the new spouse's record if that income was higher.

If your spouse or minor child is receiving benefits based on your work record or is eligible to receive benefits on your work record, they will receive a one-time, Lump Sum Death Benefit payment of \$255 after your death.

Can I Work If I Am Collecting Social Security?

You can work while you get Social Security retirement or survivors benefits. *For more information on working and receiving Social Security benefits at the same time, see the Employment chapter of this Handbook.*

Social Security Disability Insurance (SSDI)

What If I Can't Work Because of a Disability?

Even if you don't qualify for Social Security retirement benefits, you may qualify for Social Security Disability Insurance (SSDI) benefits if you cannot work because you are mentally or physically impaired. You may also qualify if you meet the SSA definition of blindness.

Can I Get SSDI Benefits?

To qualify for SSDI benefits, you must meet certain "work requirements" as well as pass SSA's "disability tests." Your medical condition must:

- Be fatal (you will die from it), or
- Keep you from doing "substantial" work for at least twelve months. To find out what counts as substantial work, contact your local SSA office.

The SSA has very specific definitions and guidelines for what qualifies as a "disability." The standards are very strict and the rules are complex.

Doctors and specialists must review your medical records and talk to your doctors. Your medical condition must significantly limit your ability to do basic things like walking, sitting, and remembering.

You must meet the requirements of two different "work tests" that are based on your age when you became disabled. And you must be disabled at least five months in a row before benefits can begin.

The application is complex, and SSA can take as long as three to five months to process your application, so you should apply as soon as you become disabled. The SSA will help you with the application if you have trouble.

It is important to know that applications for SSDI are often denied. Many people must appeal once or twice to get this benefit. Don't be discouraged – be sure to file an appeal if your application is denied.

In Resources at the end of this section under "Information about Social Security," see the Social Security publication "Disability Benefits – Social Security," which lists many of the specific rules for SSDI. Also see the listings under "Help with Social Security Issues."

How Much SSDI Benefit Can I Get?

The amount you receive each month will be based on your average lifetime earnings before your disability began. It is not based on how severe your disability is or how much income you have. Most SSDI recipients receive between \$700 and \$1,700 per month (the average for 2015 was \$1,165). However, if you are receiving disability payments from other sources, your payment may be reduced.

It is important to note that these numbers are for 2015 only. The federal government may reduce SSDI benefits in the near future. Be sure to check with the SSA about current benefit amounts. *See listings under "Information about Social Security" in Resources at the end of this section.*

If I Am Getting SSDI, Can I Also Qualify for Other Benefit Programs?

If you qualify for SSDI because of a disability, and you are very low-income and have limited financial resources, you may also qualify for Supplemental Security Insurance (SSI) benefits. And after 24 months of receiving SSDI, you may also qualify for health care coverage through Medicare, regardless of your age. *See the “Supplemental Security Income (SSI)” section in this chapter and the “Medicare” section in the Health Care chapter in this Handbook for more information about those benefits.*

If you are getting other government benefits, the amount of your SSDI benefits may be affected. For example, if you get workers’ compensation or other public disability benefits, your SSDI benefits will be less.

How Do I Apply for SSDI Benefits?

You can apply for SSDI Benefits in person, online or by telephone. An in-person or telephone application is called a “claims interview.” A claims interview lasts about one hour. To schedule an in-person or telephone claims interview, call 1-800-772-1213 (toll-free). If you are deaf or hard of hearing, call the TTY number, 1-800-325-0778 (toll-free). If you need the help of an interpreter to apply for benefits, Social Security will provide one. *Links to the online application and a helpful checklist are listed under “Applying for Social Security Benefits” in Resources at the end of this section.*

You will need to complete two forms, an Application for Social Security Benefits and a Disability Report. (The online application includes both of these forms.)

You will need to provide this information:

- Your Social Security number.
- Your birth certificate (or other specific document, such as a passport).
- Names, addresses, and phone numbers of the doctors, caseworkers, hospitals, and clinics that have taken care of you, and dates of your visits.
- Names and dosages of all medicines you take.
- Medical records from your doctors, therapists, hospitals, clinics, and caseworkers that are now in your possession.
- Laboratory and test results.
- A summary of where you have worked and the kind of work you did.
- A copy of your most recent W-2 Form (Wage and Tax Statement) or, if you are self-employed, your federal tax return for the past year.

You will also need to fill out a form describing your medical condition and how it affects your ability to work. And you will also need to sign forms that tell doctors, hospitals, and others who have treated you to send information about your medical condition to Social Security.

What If I Am Denied SSDI Benefits or My Benefits Stop?

You have a right to appeal if:

- Your claim for benefits is denied, or
- The SSA decides that you no longer meet the requirements for benefits, or
- You have been overpaid for any sort of benefit.

You will be sent a letter explaining how the decision is made, and how to begin an appeal (called a “request for reconsideration”) if you disagree. Be careful to follow all instructions in the letter, particularly the time limits. You have 60 days from the date you received the notice to appeal the decision, or 65 days from the date on the letter (they allow 5 days for the letter to reach you). However, if you already get benefits and you get a notice terminating them, you have only 10 days to make a request for reconsideration so you can keep getting benefits while you appeal.

You can handle all levels of your appeal yourself, or you can ask a lawyer, a friend, or someone else to help you. This person will be your “representative.” Your representative must have written permission from the SSA to charge you a fee for this assistance. If you need the help of an interpreter to appeal a decision, SSA will provide one.

How Do I Appeal?

There are four levels of appeal:

1. **Reconsideration:** Someone who did not look at your initial claim will review the decision in your case. The review will include all information previously submitted and any new evidence you provide. Take care to keep copies of forms you file and proof that you submitted the appeal form. Note that less than 20% of SSA’s actions are reversed as a result of the reconsideration process.

If your SSDI benefits were stopped because your medical condition has improved, you can meet with a Social Security representative and explain why you believe you still have a disability. You can present medical records, provide witnesses, and testify yourself. You will get a letter explaining the new decision.

2. **Hearing by an administrative law judge:** If you disagree with the reconsideration decision, you may ask for an administrative hearing. To do so, file a Request for Hearing form within 60 days of receiving the response to your request for reconsideration. When you complete the hearing request form, be sure to say that you will submit additional evidence before the hearing. There may be a long delay before your hearing. Try to find someone to represent you at the hearing. Attend the hearing in person. An administrative law judge who had no part in the original decision or the reconsideration will conduct the hearing. The hearing may be in person, or by video conference.

Before the hearing you may be asked to give more evidence and to clarify information about your claim. You may look at the information in your file and give new information.

At the hearing the administrative law judge will question you and any witnesses you bring. Other witnesses, such as medical or vocational experts, may also give information at the hearing. You or your representative may question these witnesses.

After the hearing the judge will make a decision based on all the information in your case. You will get a copy of the judge’s decision and a letter explaining the decision.

3. **Review by the Appeals Council:** If you disagree with the hearing decision, you may ask for a review by SSA’s Appeals Council. Filing an appeal to the Appeals Council can be done by filling out a Request for Review of Hearing Decision/Order form. You must file your appeal within 60 days. This Council will look at your request. It may deny your request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an administrative law judge for further review. You will get a copy of the Council’s decision or order, and a letter explaining it.

4. **Federal Court review:** If you disagree with the Appeals Council's decision, or if the Council decides not to review your case, you may file a lawsuit in federal district court. Filing an appeal to the U.S. District Court is more complicated – you will have to file a legal complaint and other forms and briefs arguing your position. You should talk to a lawyer at this point, if you haven't already.

Remember, if a decision says that you can no longer get SSDI benefits because your medical condition is not disabling, you can ask to continue receiving your benefits while you appeal. You must make this request within 10 days of receiving that decision. You can continue payments only during the first two levels of appeal – the reconsideration level and the hearing level. If your appeal is denied, you may have to give money back. If you win your appeal, you will be paid benefits that you should have gotten. If you win your appeal at the federal district court level, the court may also award reasonable attorney fees for your lawyer, but no more than 25% of any past-due benefits that you were awarded.

What If I Miss the Appeals Deadline?

If you were unable to file any appeal by the deadline, SSA may still accept your appeal if you are able to convince them that you had “good cause” (a good reason) for filing late. Some examples of good cause include hospitalization, lost mail, and homelessness.

Do My Family Members Qualify for My SSDI Benefits?

If you are getting SSDI benefits, certain members of your family may qualify, too. They are:

- Your spouse who is at least age 62.
- Your spouse who is under 62, if he/she cares for your child who is younger than 16 or is disabled.
- Your unmarried child (biological, adopted, or stepchild) or a dependent grandchild if:
 - The child is under 18, or
 - The child is younger than 20 and is a full-time K-12 student, or
 - The child is 18 or older and disabled (and the disability began before age 22).
- Your ex-spouse, if:
 - He/she is age 62 or older; and
 - He/she is not remarried; and
 - You were married to him/her for at least 10 years; and
 - He/She is not eligible for an equal or greater amount of benefit based on his/her own or someone else's work record.

If your adult disabled child is already receiving Supplemental Security Insurance (SSI) benefits, you should still check to see if SSDI benefits are available to him/her based on your earnings record. It is possible that he/she can get both.

Each qualifying family member may be eligible for a monthly benefit of up to 50% of your disability benefit. However, there is a limit to the total monthly benefit your family can receive. The total varies, but generally the total amount you and your qualifying family members can receive is about 150 to 180% of your SSDI benefit.

Social Security Payments

What If I Get a Notice of Overpayment?

If SSA pays you too much money, you will get a notice that explains the cause of your overpayment. If you do not agree that you have been overpaid, or you believe that the overpayment was less than what SSA says, you can appeal. *See the information under “How Do I Appeal?” earlier in this section, and read your notice of overpayment carefully.*

Even if you agree that you have been overpaid, you can ask SSA not to collect the overpayment from you, called a “waiver.” To get a waiver, you must prove that:

- The overpayment was not your fault, and
- You cannot afford to pay it back, or
- Repayment would be unfair for some other reason.

If SSA decides that you must repay your overpayment, you can pay the following ways:

- SSA can keep your benefits and count it as repayment; or
- SSA can withhold a small portion of your benefits each month until the full amount is repaid; or
- You can give back the entire amount all at once; or
- You can set up a plan for paying SSA back over time; or
- You can make an offer of compromise (a negotiated payment of less than what you owe).

What If I Need Help Managing My Benefit Money?

If you are declared legally incompetent, or if SSA decides that you are not able to manage your Social Security or SSI benefit money, you can get help. Under SSA’s rules a family member, friend, or an organization can be your “representative payee” and manage your money. (This help is also available to minor children receiving benefits.)

Your representative payee will:

- Figure out your budget;
- Use your Social Security or SSI benefits money to pay for your current needs – like food, clothing, shelter, utilities, medical and dental care, and personal comfort items;
- Put any leftover benefits money in a bank account or in savings bonds on your behalf;
- Help you get medical help when you need it; and
- Tell all medical facilities and social service agencies that serve you about your benefits.

Your representative payee must:

- Keep a record of Social Security or SSI benefits money received;
- Keep a record of amounts spent or saved;
- Give SSA a report showing all of this information;
- Tell SSA about any changes that could affect your benefits; and
- Return money that SSA shouldn’t have paid you.

Your representative payee may not charge you for these services unless SSA gives written authorization for the charges. If your representative payee helps you by paying for things with his/her own money, you should pay him/her back.

How Does SSA Send Benefit Money?

SSA no longer mails checks. Instead they use direct deposit into your bank account or a Direct Express Debit Card. If you are receiving benefits and you already have an account, your bank can help you set up this direct deposit arrangement. Bring a copy of your bank statement or one of your checks and your Social Security number when you sign up. Or you can contact SSA by phone at 1-800-772-1213 (toll-free); TTY 1-800-325-0778 (toll-free); or online at www.ssa.gov/deposit/howtosign.htm.

What Happens to My Benefit Payments After I Die?

If you are getting any kind of Social Security benefits and you die, all payments that are sent after your death, including the one that is sent the month of your death, must be returned to SSA as soon as possible.

If the benefits are deposited directly into your bank account, your survivors or your Personal Representative (PR) must report your death to the bank and must ask that all money for the month of your death and after be returned to SSA. If you do not, SSA will make your survivors or PR pay back the money. After SSA is notified of your death, the SSA will send back an adjusted final benefit check, depending on the date of your death. Note that it can take several months before the final check is sent. *See the Planning for the Future chapter and the “Estate Administration” section of the Dealing with Death chapter for more information about PRs and what needs to happen with benefit payments after death.*

Resources

Applying for Social Security Benefits

- Social Security Retirement Benefits
By phone: 1-800-772-1213 (toll-free); TTY: 1-800-325-0778 (toll-free) (Monday through Friday, 7 AM to 7 PM for representative, 24/7 for automated system)
In person: For your local office, look in the phone book or visit the website and click “Contact Us,” then click “Find an Office” and enter your zip code.
Online: www.socialsecurity.gov/retire/apply.html
 - *Checklist for Online Medicare, Retirement, and Spouses Applications:*
www.socialsecurity.gov/hlp/isba/10/isba-checklist.pdf
- Social Security Disability Insurance (SSDI):
By phone: 1-800-772-1213 (toll-free); TTY: 1-800-325-0778 (toll-free) (Monday through Friday, 7 AM to 7 PM for representative, 24/7 for automated system)
In person: For your local office, look in the phone book or visit the website and click “Contact Us,” then click “Find an Office” and enter your zip code.
Online: www.socialsecurity.gov/disabilityssi/apply.html
 - *Checklist for Online Adult Disability Application:*
www.socialsecurity.gov/hlp/radr/10/ovwoo1-checklist.pdf
- Social Security Supplemental Security Income (SSI): *See the next section of this chapter.*

Denial, Termination, and Overpayment of Social Security Benefits

- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then click on “Supplemental Security Income (SSI) and Social Security Disability (SSDI),” then click on:
 - *How to Fight a Termination of Supplemental Security Income (SSI) or Social Security Benefits Based on Non-disability Reasons*
 - *How to Fight a Termination of Supplemental Security Income (SSI) or Social Security Disability (SSDI) when SSA Decides You Are no Longer Disabled*
 - *How to Fight an Supplemental Security Income (SSI) or Social Security Disability (SSDI) Overpayment Notice*
 - *How to Fight Your SSI or Social Security Disability Denial*
 - *What if Social Security Stops My Benefits Because I Am a ‘Fleeing Felon’?*
- And under “Public Benefits,” click on “Health Care Reform / Affordable Care Act” for:
- *Health Care Reform – SSDI and Medically Needy*
- Senior Rights Assistance Program serving King County: Information on appealing denial of Social Security benefits.
By email: sra@seniorservices.org
By phone: 206-448-5720 or 1-800-972-9990 (toll-free); TTY: 206-448-5025
 - Social Security Administration (SSA) forms:
Online: www.ssa.gov/forms/, enter the title or form number in the search box above the list of forms:
 - *Form SSA-561, Request for Reconsideration*
 - *Form HA-520, Request for Review of Hearing Decision/Order*
 - *Form SSA-632, Request for Waiver of Overpayment Recovery or Change in Repayment Rate*

Help with Social Security Issues

- National Organization of Social Security Claimants’ Representatives (NOSCCR): Provides referrals to Social Security lawyers.
By phone: 1-800-431-2804 (toll-free) (Eastern Standard Time business hours)
- Seattle Community Law Center: Helps low-income people in the entire state of Washington who are applying for Social Security benefits (SSDI and SSI), appealing a SSA decision, or responding to overpayment notices and have barriers including homelessness, illiteracy, limited education, limited social support, or disabilities.
By phone: 206-686-7252
Online: www.seattlecommlaw.org
- *See the Legal Help chapter of this Handbook for a list of lawyer referral services. Ask the service for referral to Social Security lawyers.*

Information about Social Security

- BEST (Benefit Eligibility Screening Tool): Helps you find out if you qualify for Social Security benefits.
Online: <http://ssabest.benefits.gov>
 - Social Security Administration
By phone: 1-800-772-1213 (toll-free); TTY: 1-800-325-0778 (toll-free) (Monday through Friday, 7 AM to 7 PM for representative, 24/7 for automated system)
In person: For your local office look in the phone book, or visit the website and click “Contact Us,” then click “Find an Office” and enter your zip code.
Online: www.ssa.gov
Publications: www.ssa.gov/pubs/; enter the title or publication number in the search box above the list of publications:
 - *Disability Benefits (SSA Pub. #05-10029)*
 - *Social Security Numbers for Noncitizens (SSA Pub. #05-10096)*
 - *Understanding the Benefits (SSA Pub. #05-10024)*
 - *What You Need to Know When you Get Social Security Disability Benefits (SSA Pub. #05-10153)*
- Forms: www.ssa.gov/forms/; enter the title or form number in the search box above the list of forms:
- *Form SS-5, Application for a Social Security Card (includes instructions)*
 - *Social Security Benefits*, by the ARC of King County
Online: www.arcofkingcounty.org; click on “What We Offer,” then “Resource Guide” in the menu at left, then “Financial Resources,” then the document link

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- MarriageEqualityFacts.org: Frequently asked questions about the Supreme Court’s marriage equality rulings, including Social Security spousal benefits.
Online: <http://marriageequalityfacts.org/topic/social-security-spouse/>
- Social Security Administration: Information for same-sex couples.
Online: www.ssa.gov/people/same-sexcouples/
- *Victory: Social Security Administration changes requirements for transgender people*, by GLAAD
Online: www.glaad.org/blog/victory-social-security-administration-changes-requirements-transgender-people

Native Americans

- Social Security Administration: Information for American Indian and Alaska Native people.
Online: www.ssa.gov/aian; frequently asked questions: www.ssa.gov/people/aian/aian5.html

Other Benefit Programs

- *See the Other Resources chapter at the end of this Handbook.*

Women

- Social Security Administration: Information for women.
Online: www.socialsecurity.gov/women
Publication:
 - *What Every Woman Should Know (SSA Pub. # 05-10127)*
- U.S. Department of Labor Employee Benefits Security Administration: Information on retirement savings with special considerations for women (also available in Spanish).
Online: www.dol.gov/ebsa/publications/women.html
- Women's Institute for a Secure Retirement (WISER): Information, publications, resource lists, and more.
By phone: 202-393-5452
By mail: 1140 19th St NW, Suite 550, Washington, DC 20036
Online: www.wiserwomen.org

Supplemental Security Income

What Is Supplemental Security Income?

Supplemental Security Income (SSI) is a federal income supplement program that helps elderly and disabled people who have little or no income. It provides cash to meet basic needs for food, clothing, and shelter. Funds come from general tax revenues, not Social Security taxes, but the Social Security Administration (SSA) runs this program.

Can I Get SSI?

You may be able to get SSI if you have very limited financial resources and are age 65 or older or pass SSA's "disability tests." The most common rules and issues are explained in this section.

How Much SSI Benefit Can I Get?

Monthly payments to an individual will vary by state. For 2016, the maximum monthly SSI payment for an individual is \$733 and \$1,100 for a couple (both spouses must qualify). It may be reduced if you have certain income or other resources. If you receive SSI and live in Washington, you are eligible for a small additional monthly payment from the state. The amount of this "SSI supplement" varies depending on your living arrangement.

It is important to note that these numbers are for 2016 only. The federal government may reduce SSI benefits in the near future. Be sure to check with the SSA about current benefit amounts. *See listings under "Information about SSI" in Resources at the end of this section.*

How Does SSA Define Disability?

SSA defines disability for SSI the same way it is defined for SSDI. *See the information under "Can I Get SSDI Benefits?" in the Social Security section of this chapter.* Generally, SSA will not consider you disabled if you are working for pay. It is possible to work for pay and receive SSI benefits at the same time, but the rules are complex. *For more information on this topic, see the Employment chapter of this Handbook.*

If you are not able to earn much money from working, SSA must decide whether your health conditions prevent you from doing so. SSA must consider both your physical and mental impairments. SSA must collect medical records and other evidence from sources you identify. SSA must weigh your doctor's opinion carefully. If your treatment provider is not a medical doctor (MD) or clinical psychologist, SSA may not give his or her opinion maximum weight. In some cases, SSA will send you to be evaluated by a medical doctor.

What Other Information Does SSA Consider?

Here is a brief overview of the other things SSA will consider. *To learn more, see the listings under "Information about SSI" in Resources at the end of this section.*

- **Income:** Because SSI is for people with very limited financial resources, SSA will look at your monthly income to see if you qualify. SSA will apply certain deductions and exclusions to your income. In 2015, the maximum monthly SSI payment is \$733 for individuals and \$1,100 for couples. If you receive SSI, you must report your income. If you do not, you may be charged with an overpayment. *To learn more about income limits, see the Nolo.com articles listed under "Information about SSI" in Resources at the end of this section.*

- **Resources:** In order to get SSI, your countable resources must not be above \$2,000 for a single individual or \$3,000 for a couple. Certain resources such as the home in which you live, your household goods, and one family car do not count. If you are already getting SSI and your resources go over the limit, you must report this to SSA. If you do not report, you may have to return an overpayment. If your resources get close to the limit, and you want to keep getting SSI, you may spend your resources down to the resource limit. You should keep documentation, such as receipts, in case SSA asks for proof of your resources.
- **Immigration Status:** Only United States citizens and non-citizens considered “qualified aliens” are eligible to receive SSI. The qualified alien category includes permanent-resident aliens, certain refugees, and individuals granted asylum. If you are a qualified alien, you must meet additional requirements in order to receive SSI, and there may be limits on how long you can receive SSI benefits. *See the resource list in the Immigration chapter of this Handbook.*
- **Fugitive Felon Prohibition:** Individuals that SSA considers fugitive felons may face the denial or termination of their SSI benefits. If a felony warrant has been issued in your name, you should contact the local public defender’s office or a criminal law lawyer for help. Once you have addressed the warrant, provide proof to SSA. If SSA terminates your benefits because it determines you are a fugitive felon, and if you believe this is an error, appeal this decision (*see “How Do I Appeal?” below*). You may also be charged with an overpayment if SSA determines that you are a fugitive felon. *See “What Is an Overpayment?” later in this section for more information. Also see the Northwest Justice Project publication “What do I do if Social Security Stops My Benefits because I am a ‘Fleeing Felon?’” listed in Resources at the end of this section.*

How Can I Apply for SSI Benefits?

You may apply for SSI benefits by calling the SSA toll-free number (1-800-772-1213) or visiting your local SSA office. A claims representative will take basic information from you to start your application. You will get forms to complete as well. Take care to provide complete and accurate information. If you can’t return the forms to SSA in time, contact the claims representative or call the toll-free number and ask for more time so that SSA doesn’t deny your claim. Forms are available on the SSA website. *For forms information, see the listing for the Social Security Administration under “Information about SSI” in Resources at the end of this section.*

What If I Am Denied SSI Benefits or My Benefits Stop?

If your claim is denied or if you disagree with an action taken by SSA, you can appeal. Note you have only 10 days to appeal if you want to keep getting your benefits while you appeal. *See “What If I am Denied SSDI Benefits or My Benefits Stop?” in the “Social Security” section of this chapter for information about the appeal process. Also see “How Do I Appeal?” below.*

How Do I Appeal?

The appeals process for SSI and for SSDI is the same. *See “How Do I Appeal?” in the Social Security section of this chapter.*

SSI Payments

Information about payments, overpayments, help with benefit money management, and what happens to your benefits after death can be found under “Social Security Payments” in the “Social Security” section of this chapter.

Resources

Denial, Termination, and Overpayment of SSI

- *Questions and Answers for Immigrants Who Want to Apply for SSI*, by Northwest Justice Project:
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then click on “Public benefits for immigrants and refugees”
- See the “Denial, Termination, and Overpayment of Social Security Benefits” resources in the “Social Security” section of this chapter for more publications and links to forms.

Help with SSI Issues

- National Organization of Social Security Claimants’ Representatives (NOSCCR): Provides referrals to Social Security lawyers.
By phone: 1-800-431-2804 (toll-free) (Eastern Standard Time business hours)
- Seattle Community Law Center: Helps clients in Washington State who are applying for Social Security benefits (SSDI and SSI), appealing a SSA decision, or responding to overpayment notices and have barriers including homelessness, illiteracy, limited education, limited social support, or disabilities.
By phone: 206-686-7252
Online: www.seattlecommlaw.org
Publications: Go to the website and click on “Legal Services” then “Self Help Materials:”
 - *SCLC Overpayment Self-help Guide*
 - *SCLC Continuing Disability Review Self-help Guide*
- See the *Legal Help* chapter of this Handbook for a list of lawyer referral services, and ask the service for referral to Social Security lawyers.

Information about SSI

- BEST (Benefit Eligibility Screening Tool): Helps you find out if you qualify for Social Security benefits.
Online: <http://ssabest.benefits.gov>
- Social Security Administration
By phone: 1-800-772-1213 (toll-free); TTY: 1-800-325-0778 (toll-free) (Monday through Friday, 7 AM to 7 PM for representative, 24/7 for automated system)
In person: For your local office look in the phone book, or visit the website and click “Contact Us,” then click “Find an Office” and enter your zip code.
Online: www.ssa.gov
SSI overview: www.ssa.gov/ssi/text-over-ussi.htm
Publications: www.ssa.gov/pubs/; enter the title or publication number in the search box above the list of publications:
 - *Disability Benefits (SSA Pub. #05-10029)*
 - *Understanding the Benefits (SSA Pub. #05-10024)*
 - *What You Need to Know When You Get Supplemental Security Income (SSI) (SSA Pub. #05-11011)*

(Social Security Administration, continued)

Forms: www.ssa.gov/forms/; enter the title or form number in the search box above the list of forms:

- *Form SSA-16-BK, Application for Disability Insurance Benefits (SSI)*
- *Form SSA-3368-BK, Adult Disability Report*
- *Form SSA-3369-BK, Work History Report*
- *Form SSA-827-BK, Authorization to Disclose Information to the SSA*
- Social Security Administration (SSA) information for American Indian and Alaska Natives:
Online: www.ssa.gov/aian
- *Social Security Benefits*, by the ARC of King County
Online: www.arcofkingcounty.org; click on “What We Offer,” then “Resource Guide” at left, then “Financial Resources,” then the document link
- *What Are Supplemental Security Income (SSI) Disability Benefits?*, by Nolo.com:
Online: www.disabilitysecrets.com/question18.html, article includes links to other related articles, including:
 - *Income Limits & SSI Disability Eligibility* (click the link “low income limits” in the first paragraph of the article linked above);
 - *How Much Can I Have in Assets and Still Be Eligible for Disability Benefits?* (click the link “asset limits” in the first paragraph of the article linked above);
 - And many more.

Information for Immigrants and SSI

- *See the Immigration chapter in this Handbook.*
- *Supplemental Security Income (SSI) for Noncitizens (SSA Pub. # 05-11051)*, by Social Security Administration
Online: www.ssa.gov/pubs/; enter the title or publication number in the search box above the list of publications
- *Questions and Answers for Immigrants Who Want To Apply for SSI*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then “Public benefits for immigrants and refugees”

Other Benefit Programs

- *See the Other Resources chapter at the end of this Handbook.*

Veterans' Benefits

Both the federal and state governments run benefit programs for veterans. The eligibility requirements for each program are very specific. *Be sure to look at the resources at the end of this section.*

Federal Veterans Programs

The United States Department of Veterans Affairs (VA) runs many benefit programs, including:

- Health care, nursing homes, and long-term care
- Disability compensation
- Pensions (for veterans and their surviving spouses)
- Aid & Attendance Pension Benefit (for veterans and surviving spouses)
- Housebound Pension Benefit (for veterans and surviving spouses)
- Burial and memorial services
- Benefits for surviving spouses and certain other family members

The Department of Defense also runs a retirement system for veterans with 20 or more years of active service. *For more information, see the listing under “Pensions” in Resources at the end of this section.*

Am I Qualified for VA Health Care?

You may qualify for VA health-care benefits if you served in the active military, naval, or air service, and your discharge was not dishonorable. You may also qualify for VA health-care benefits if you were a Reservist or National Guard member. It is important to remember that VA health benefits are not the same as a health insurance plan. In addition, co-payments apply to some services.

Usually, you must apply for enrollment through the Eligibility Office at a VA hospital or complete a form online (*see listings under “Health Care” in Resources at the end of this section*). You will be assigned to a priority group and will be enrolled if your priority is high enough and if funding is available. Every year most enrollees must have a financial assessment called an “income means test.” If you are receiving VA health care, you may also qualify for prosthetic and sensory aids, some home improvements (such as wheelchair access), and mental-health treatment.

Additionally, the Civilian Health and Medical Program of VA (CHAMPVA) is a health-care program that shares costs with eligible veterans and their families. For qualified veterans living in rural Washington, health care may be available through the VA’s “Fee Basis Program,” emergency-room care at non-VA facilities, Community Based Outpatient Clinics (CBOC), and through the Mobile Medical Unit.

TRICARE is medical coverage for both active duty and retired active duty members and their families. It is regionally run and available to all seven branches of the military.

At age 65, most people will qualify for Medicare’s hospital, medical, and prescription drug coverage. You should talk to a Washington Statewide Health Insurance Benefit Advisor (SHIBA) about your health-care coverage choices. Even if you have VA health care, it is highly recommended that you also have coverage

under TRICARE (the VA medical plan), Medicare, Medicaid, or a private health-insurance plan. *See Resources at the end of this section and the Health Care chapter of this Handbook.*

Does the VA Provide Nursing-Home and Long-Term Care?

The VA provides long-term care to eligible veterans through VA nursing homes, community nursing homes, state veteran's homes, and domiciliaries. However, nursing-home care is limited. If you need long-term nursing-home care, a VA medical center will contract with community nursing homes.

The VA will reduce your compensation payments to "offset" the cost of your nursing-home or long-term care, leaving you with about \$100 per month for personal expenses. Veterans should be aware that if the VA does not deduct the "offset" right away, you will receive a notification of overpayment. You have up to 180 days from the date of notification to request a waiver if the overpayment is due to error or if it would cause financial hardship. The VA's action to recover the overpayment may be put on hold during the appeal if you file your appeal within 20 days.

The VA also provides long-term care either directly or through community-based agencies. Such services include:

- Adult day health care
- Inpatient or outpatient respite care
- Inpatient or outpatient geriatric evaluation and management
- Hospice and palliative care
- Home-based primary care

Does the VA Provide Disability Compensation?

The VA provides monthly payments to veterans who are disabled by a service-connected injury or illness that started or worsened during active military service. This compensation varies with the degree of your disability, the number of your dependents, and other payments, such as military retirement pay, that you receive. If you have certain severe disabilities, you may be eligible for additional special monthly compensation. These benefits are tax-free.

Does the VA Provide Pensions?

The VA's Improved Pension Program is available to wartime veterans and their surviving spouses. You may be eligible for a VA pension if you meet these qualifications:

- You served in the active military for 90 days or more of active duty with at least one day during active time,
- You are age 65 or older OR you have a permanent and total disability unrelated to service, and
- Your "countable income" is below a yearly limit set by law.

Your countable income may be reduced if you have medical expenses that you have to pay. The VA pays you the difference between the maximum benefit amount and your countable income.

There is also the Aid & Attendance Pension Benefit (or the Housebound Pension Benefit), which gives an additional benefit for those who qualify. See the following information for more details.

What Is the Aid & Attendance (A&A) Pension Benefit?

The Aid & Attendance pension benefit is for wartime veterans and their surviving spouses who are age 65 or older and who are eligible for the VA's Improved Pension Program. If you need daily help at home, or if you are blind or nearly blind in both eyes, or if you live in an assisted-living facility or nursing home, you may be

eligible for this benefit. The financial rules for the benefit are complicated, so it is best to file an application to see if you qualify. Contact the Washington State Department of Veterans Affairs (WDVA) for free help. *Contact information is listed under “Assistance for Veterans” in Resources at the end of this section.*

What Is the Veteran’s Housebound Pension?

The Housebound pension benefit is a tax-free benefit, paid in addition to the VA’s Improved Pension Program. A wartime veteran or surviving spouse must be age 65 or older, have a permanent disability (100%), and be either “housebound” or have another disability (60% or greater) to qualify. You may not receive the A&A benefit and the Housebound benefit at the same time. The countable income rules are similar to the A&A benefit (*see previous question*). Contact the WDVA for free help. *Contact information is listed under “Assistance for Veterans” in Resources at the end of this section.*

What Other VA Benefits Are Available to a Veteran’s Survivors?

In addition to the Veterans’ benefits described earlier in this section for surviving spouses, the VA also provides Dependency Indemnity Compensation. This monthly benefit is generally payable to eligible, dependent survivors of veterans who died from service-related causes. An un-remarried surviving spouses of a veteran who died can receive a basic monthly benefit depending on the veteran’s pay grade. Additional money may be added for dependent children.

VA may also provide a death pension to the surviving spouse and surviving children if the veteran dies from a disease or disability that is not related to military service, provided that the veteran had qualifying military service and the survivor meets certain income requirements. The death pension may also include an additional benefit for Aid & Assistance or for Housebound survivors.

What Are the Burial and Memorial Benefits?

If you have been honorably discharged from active duty, or if you die while on active duty, you, your spouse, and your dependent children may be eligible for VA burial and memorial benefits. These benefits are available for your deceased spouse or dependent children even if you are still living. If you qualify, but are not buried in a national cemetery, VA may pay a burial, funeral, and plot allowance. For more information, contact the WDVA or go to the National Cemetery Administration website, www.cem.va.gov.

What If I Receive a Notice of Overpayment?

If the VA mistakenly pays you more benefits than it should have, it may be able to make you pay back the overpayments. Do not ignore a notice of overpayment. Contact the VA to get more information. You may also be able to get help from the WDVA. You can appeal the decision, but you must act within a certain time (*see next question*). You can dispute the amount of the overpayment or ask for a waiver within 30 days. *See the listings under “Appeals” in Resources at the end of this section.*

What Can I Do If I Disagree with a VA Decision About Benefits?

You may appeal benefit decisions made by the local VA offices to the Board of Veterans’ Appeals. To begin the appeal process, you must file a notice of disagreement with the local VA office within one year of the date of the decision letter. *See the Board of Veterans’ Appeals booklet “How Do I Appeal?” listed under “Appeals” in Resources at the end of this section or contact a lawyer for help.*

You can ask for a hearing with a local VA official or with a Board of Veterans’ Appeals member. These hearings are informal. The WDVA may be able to help you with your hearing. If the Board denies the claim, you may file an appeal (within 120 days) with the U.S. Court of Appeals for Veterans Claims.

Am I Also Eligible for Social Security Benefits?

As a veteran, you are eligible for monthly retirement, disability, and survivors benefits from the Social Security Administration (SSA) if you have enough work credits. Veterans can get both VA compensation and SSDI (Social Security Disability Income) or Social Security retirement benefits. Military service earnings for both active duty and for inactive duty in a Reserve Component count toward Social Security earnings. Depending on the period during which you served, you may also be credited with additional quarterly earnings. Upon your death, your spouse or child may be entitled to a one-time, Lump Sum Death Benefit payment of \$255 from SSA.

Am I Eligible for Supplemental Security Income (SSI)?

If you are age 65 or older, or blind or otherwise disabled, you may be eligible for SSI. Your VA compensation and pension benefits are counted as income when deciding your SSI eligibility. *See the “Supplemental Security Income (SSI)” section in this chapter.*

Washington State Programs

The Washington State Department of Veterans Affairs (WDVA) manages state veterans’ homes and the estate-management program. It provides free claims and benefits assistance for all federal and state benefits, and offers mental-health services, educational and employment programs, and programs for homeless veterans. *Contact information for the WDVA is listed under “Assistance for Veterans” in Resources at the end of this section.* There are also some programs that provide reduced fees for certain services (such as park passes or hunting/fishing licenses) and reduced property taxes for some veterans or surviving spouses. Some counties offer aid and burial assistance to families of low-income veterans. Each county in Washington has a Veterans’ Assistance Fund to help needy veterans and their families. *See the Northwest Justice Project publications listed under “Pensions” in Resources at the end of this section.*

What Is the State Veterans’ Homes Program?

The WDVA operates long-term nursing and assisted-living care homes for veterans in Orting and Retsil, and long-term nursing care in Spokane. To be eligible for care, you must be honorably discharged, a state resident, and qualified financially.

What Is the State Veterans’ Estate Management Program?

If you or your family members cannot manage your affairs, the WDVA may act as fiduciary or protective payee for you. The WDVA will act as a fiduciary appointed by the U.S. Department of Veterans Affairs, a representative payee appointed by the SSA, and as executor of a veteran’s estate.

How Can the WDVA Help Me Make Federal Claims?

The WDVA provides you and your family members with qualified benefits specialists to help you access benefits. A specialist can represent you in cases that are heard by the U.S. Department of Veterans Affairs in Seattle. If you do not live near a Veterans Service Office, the WVDA will provide you with outreach services. Claims assistance is also available through designated Veterans Service Organizations, such as Disabled American Veterans or The American Legion.

Resources

Appeals

- Board of Veterans' Appeals: Information on appeals and where to find help.
By phone: 1-800-923-8387 (toll-free) (Monday through Friday, 6 AM to 1:30 PM Pacific Time)
Online: <http://www.bva.va.gov/>
 - *How Do I Appeal?*
 - *Directory of Veterans Service Organizations:* www.va.gov/vso/

Assistance for Veterans

- King County Veterans Service Program
By phone: (206) 477-8282
Online: www.kingcounty.gov/socialservices/veterans.aspx
- National Veterans Legal Services Program: Free legal representation to veterans on a range of service-related issues, including securing benefits.
By phone: (202) 265-8305
By email: info@nvlsp.org
Online: www.nvlsp.org
- U.S. Department of Veterans Affairs
By phone: 1-800-827-1000 (toll-free) (benefits); TTY: 1-800-829-4833 (toll-free)
Online: www.va.gov
- Washington County Veterans Coalition
Online: www.dva.wa.gov/benefits/county-map; click your county on the map for the agencies in your county that provides assistance to indigent veterans (or veterans with low income) and links to other resources.
- Washington State Department of Veterans Affairs (WDVA)
By phone: 1-800-562-2308 (toll-free) (benefits); 1-877-838-7787 (toll-free) (State Veterans Homes)
Online: www.dva.wa.gov

Health Care

- To apply for VA health benefits, complete *Form 10-10EZ, Application for Health Benefits* (includes instructions):
Apply by phone: 1-877-222-VETS (8387), Monday through Friday, 8 AM to 8 PM (Eastern Time);
a VA representative will send your completed form to you for verification and signature.
Paper application: www.va.gov/vaforms/medical/pdf/1010EZ-fillable.pdf
Online application: www.va.gov/healthbenefits/apply/; click on the link to the VA Form 10-10EZ under "Apply Online," then scroll down and click the "Start Now" button; download the application and follow the instructions for filling it out and sending it in (you will need a recent version of Adobe Reader, a free software program for your computer; follow the link provided on the application's download page; you may need to restart your computer after installing the software)

- U.S. Department of Veterans Affairs: Information about VA health benefits.
By phone: 1-877-222-8387 (toll-free) (health-care benefits); 1-800-733-8387 (toll-free) (CHAMPVA)
Online: www.va.gov/health/
- Washington Statewide Health Insurance Benefit Advisor (SHIBA)
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov/shiba/index.shtml
- VA Medical Centers:
 - Puget Sound Health Care
Seattle: 206-762-1010 or 1-800-329-8387 (toll-free)
American Lake Division (Tacoma): 253-582-8440 or 1-800-329-8387 (toll-free)
Online: www.pugetsound.va.gov
 - Spokane: 509-434-7000 or 1-800-325-7940 (toll-free)
Online: www.spokane.va.gov
 - Portland, Oregon (has a Vancouver, WA branch): 503-220-8262 or 1-800-949-1004 (toll-free)
Online: www.portland.va.gov
 - Walla Walla: 509-525-5200 or 1-888-687-8863 (toll-free)
Online: www.wallawalla.va.gov

Health Care in Rural Areas

- Emergency Room Care at non-VA facilities
Online: www.va.gov/PURCHASEDCARE/index.asp; in the menu at left, click on “Programs for Veterans,” then “Non-VA Care,” then “Emergency Care.”
- VA’s Highly Rural Transportation Grants: Helps rural veterans travel to authorized health care facilities.
Ferry County: 509-685-6127
Skamania County: 509-427-3994
Online: www.va.gov/healthbenefits/vtp/highly_rural_transportation_grants.asp
- VA Community Based Outpatient Clinics (CBOC)
By phone: 1-800-329-8387 (toll-free) (for referrals to your local CBOC)
Online: www.pugetsound.va.gov/locations/index.asp
- VA’s Office of Rural Health:
Online: www.ruralhealth.va.gov
- VA Puget Sound Mobile Medical Unit: Brings primary health care to rural areas. Contact a VA Medical Center, listed above, for information.
 - *Blind rehab takes eye care on the road*
www.pugetsound.va.gov/news/ruralblindrehab.asp

Long-Term Care

- Aid & Attendance and Housebound Benefits: You may apply for Aid & Attendance or Housebound benefits by writing to the Pension Management Center listed below. See the web page listed below for information on what to include with your benefit request.
By mail: St. Paul VA Regional Office, Pension Management Center (335/21P),
P.O. Box 11000, St. Paul, MN 55111-0000
By phone: 1-800-827-1000 (information only)
Online: www.benefits.va.gov/pension/aid_attendance_housebound.asp
- National Association of Veterans & Families
By phone: 1-800-352-2919 (Monday through Friday, 9 to 5 PM EST)
Online: www.navf.org
- VA Long Term Care
Online: www.va.gov/geriatrics/guide/longtermcare/

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *Navigating the System*, by National Center for Lesbian Rights: The state information is for California, but the general tips and federal information are useful for Washington residents.
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf

Pensions

- Federal Benefits for Veterans, Dependents and Survivors, by U.S. Department of Veterans Affairs (also available in Spanish)
Online: www.va.gov/opa/publications/benefits_book.asp
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.com; click on “Public Benefits,” then click on “Veterans benefits.”
 - *Improved Pension Program (for Veterans, Surviving Spouse & Children)* - includes the Aid & Attendance pension benefit and the Housebound pension benefit
 - *Veterans’ Assistance Fund*
 - *Veterans: Divorce & Military Benefits*
 - *What Do I Do If the Veterans Administration Stops My Benefits Because I Am a “Fugitive Felon”?*
- U.S. Department of Veterans Affairs Pension Management Center
By phone: 1-877-294-6380 (toll-free)
- U.S. Department of Defense: Information about military compensation (retirement system)
Online: <http://militarypay.defense.gov/Pay/Retirement.aspx>
- VeteranAid.org: Information about the Aid & Attendance Program.
Online: www.veteranaid.org

Veterans with Disabilities

- Rehab and Prosthetic Services: Runs programs for medical rehabilitation, prosthetic and sensory aids services that promote the health, independence and quality of life for Veterans with disabilities.

Online: www.prosthetics.va.gov/index.asp

- Hearing Aids from the VA: www.prosthetics.va.gov/psas/Hearing_Aids.asp
- Services for Blind and Visually Impaired: www.prosthetics.va.gov/blindrehab/index.asp
- Services for Low Vision: www.va.gov/optometry/

State Financial Benefits

Local offices of the Department of Social and Health Services (DSHS) handle financial assistance in Washington. You can get a list of local offices online at www.dshs.wa.gov, or by calling toll-free 1-800-737-0617.

Can I Get Financial Help for My Family?

If your children, grandchildren, or other relatives under 18 live in your home and you are financially responsible for their care, you may be eligible for cash from the Temporary Assistance for Needy Families (TANF) program. The amount of cash is based on the number of people in the household, the total income for the family, and other assets such as cash in the bank.

If you are able to work, the program requires that you work or participate in a job-search program, called WorkFirst. The State has services to help you find work, childcare, clothing, car repair, and other work-related needs.

What If I Have a Financial Emergency?

If you are eligible for the TANF program and have an emergency due to eviction, utility shutoff, or other threats to your shelter or safety, you may be eligible for Additional Requirements (AR) cash assistance (DSHS sometimes calls this Additional Requirements for Emergent Needs, AREN). You will have to prove that you could not have predicted this sudden need, that it is temporary, and that you have enough monthly income to pay your monthly expenses the following month. The most AR cash a household can get is \$750 during a 12-month period, though you can ask for an exception to this limit. *See the Northwest Justice Project memo “Additional Requirements (AR),” listed under “TANF and Additional Requirements (AR)” in Resources at the end of this section.*

Can I Get Financial Help If I Can’t Work?

Washington has a program for low-income people who cannot work, who are not receiving TANF, and who are at least 65 years old or blind or whose disabilities prevent them from working for at least 12 months. This program is called the Aged, Blind or Disabled Cash Assistance Program (ABD). (This program replaced state benefits called Disability Lifeline, and before that, GAU.) People who qualify for ABD benefits usually will receive \$197 per month, depending on other countable income and housing situations. Typically, this is temporary assistance while waiting to hear about a Supplemental Security Income (SSI) application. If you can’t work for at least 90 days due to a disability, you may be eligible for the Housing and Essential Needs Program (HEN). HEN often provides non-cash supports such as rental housing assistance to people who do not qualify for ABD. *See the Northwest Justice Project publication “Help For People Unable to Work” listed in Resources at the end of this section.*

Can I Get Food Assistance or Food Stamps?

If you and everyone in your “food assistance household” receive TANF, you will automatically receive food assistance. But anyone can apply for food assistance. The amount of food assistance you receive depends on your household size, allowable expenses, and your income. The standards change at least annually, but as of 2015, you may be eligible if you earn up to 200% of the federal poverty limit (in 2015, that is \$1,945 or less per month for a single person). You may be eligible even if you own a car, a house or have money in the bank. DSHS will also consider any shelter costs that are more than one-half of your income, and, if you are disabled or age 60 and over, deductions for out-of-pocket medical expenses. You may apply for food assistance at

your local DSHS office, through the mail, via fax, online, or over the telephone. If you need an interpreter, DSHS will provide one.

If you are eligible for food assistance, you will receive an electronic benefits card (called an “EBT” card, it is similar to a bank ATM card). If you apply in person and are eligible, you will be given an EBT card right away. Otherwise, you can expect to receive your EBT card through the mail within 5-7 business days after you are found eligible. DSHS will add food assistance benefits to your EBT account each month. Grocery stores will accept the card for purchases allowed by the federal program. You cannot use the card to buy things like certain prepared food, pet food, alcohol, cigarettes, and medicines.

For more information, including a benefits estimator, see the listings under “Food Assistance” in Resources at the end of this section.

What If I Need Food Assistance Now?

If you qualify, DSHS can “expedite” your Basic Food application (process your application quickly) and you will get your EBT card within seven days after applying. You may qualify if you have very little or no money or not enough income to cover rent and utility costs. You may also qualify if someone in your household (including a qualified immigrant) is a seasonal or migrant farm-worker with very little or no money.

Can I Appeal a DSHS Decision?

If you disagree with a decision by DSHS you have the right to request a fair hearing. This is true whether DSHS has denied your benefits, reduced them, terminated them, or even if they have asked you to repay benefits you already received. The important thing to remember is that you must request the hearing within 90 days of the DSHS decision.

An Administrative Law Judge (ALJ) will listen to your point of view, and then make a ruling on whether or not DSHS acted properly. *If you feel you need legal representation, you may contact the legal service providers listed under “Getting Advice and Assistance with Benefits” in Resources at the end of this section.* However, it is not necessary to have a lawyer represent you. You have the right to bring someone such as a friend or family member with you to the hearing. You can tell DSHS before the hearing if you will need an interpreter.

You may request a hearing in a number of different ways. You can call the DSHS local office and request one by phone, or let your caseworker know you disagree with the decision. You may also request a hearing in writing by contacting the Office of Administrative Hearings by mail at P.O. Box 42488, Olympia, WA 98504-2488 or by phone at 360-407-2700, or 1-800-558-4857 (toll-free).

If you have been receiving benefits and they are being reduced or terminated, you may continue to receive benefits if you ask for the fair hearing right away, within 10 days from the date of the termination or reduction notice. But if you get continued benefits and lose your hearing, DSHS can bill you for an overpayment of up to two months of the continued benefits.

If you need to appeal the ALJ’s decision, you can request review from the Board of Appeals. The Board of Appeals is a group of lawyers who can review the ALJs decisions.

When you do not understand why DSHS has taken a particular action, you have the right to speak with a supervisor. You also have the right to make a complaint if you feel you have not been treated politely and with respect. To make such a complaint, call 1-800-865-7801 (toll-free).

Can I Get Benefits If I Am Not a Citizen?

Non-citizens may be able to get these benefits depending on their immigration status. Non-citizens who are lawful qualified aliens are eligible for certain benefits, like ABD benefits and State Family Assistance. On the other hand, undocumented immigrants generally cannot get these benefits. See “Resources for Non-Citizens” in Resources below for more information.

Resources

Applying for Benefits

- Department of Social and Health Services (DSHS): Administers the benefit programs; contact DSHS to apply for benefits, or apply online through Washington Connection.
By phone: 1-800-737-0617 (toll-free) (general information)
In person: find your local office by calling 1-800-737-0617 (toll-free), looking in the phone book, or at www.dshs.wa.gov/onlinecso/findservice.shtml
Online application: www.washingtonconnection.org
- Publications and Resources:
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then “Department of Social and Health Services (DSHS) programs and problems”

Appeals and Complaints

- To request a hearing: Contact your local DSHS office, or contact the Office of Administrative Hearings
By phone: 360-407-2700 or 1-800-558-4857 (toll-free)
By mail: P.O. Box 42488, Olympia, WA, 98504-2488
- To make a complaint: Ask to speak with a supervisor either in person at your local DSHS office or by phone.
By phone: 1-800-865-7801 (toll-free)
Online: www.dshs.wa.gov/esa/community-services-find-an-office (to find your local office)

Getting Advice and Assistance with Benefits

- *Applying for Public Assistance*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then “State Benefits (non-Medicaid)”
- CLEAR*Sr: For people 60 years or older; legal advice and referral by phone and free written legal information.
By phone: 1-888-387-7111 (toll-free); TTY: 1-800-833-6384 (toll-free) (Monday through Friday, starting at 9:15 AM to leave a message for a call back)
- CLEAR: Legal advice and referral by phone for low-income people outside King County (in King County, call 2-1-1).
By phone: 1-888-201-1014 (toll-free); TTY: 1-800-833-6384 (toll-free) (interpreters available; phone is answered Monday through Friday, 9:15 AM to 12:15 PM)

- Low Income Native American Project: For Native Americans; legal advice and referral by phone and free written legal information.
By phone: 1-888-201-1014 (toll-free) (press 5)
- Solid Ground Family Assistance Intake Line: For people in King County and the Lynnwood area of Snohomish County. Offers advice and representation in public benefit cases (TANF, food stamps, Aged, Blind or Disabled Program, childcare, medical benefits) and will assist people served with notice of overpayment.
By phone: 206-694-6742 or 206-694-6700; TTY: 206-694-6710
Online: www.solid-ground.org; click on “Programs & Services,” then “Family Assistance” under “Advocacy & Community Resources”

Resources for Non-Citizens

- *Washington Public Assistance for Immigrants Who Are Not Lawfully Present*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then click on “Government benefits for immigrants and refugees”

Benefit Programs

Aged, Blind or Disabled Assistance Program (ABD)

- Department of Social and Health Services (DSHS): Administers the benefit programs. Contact DSHS to apply for benefits.
By phone: 1-800-737-0617 (toll-free) (general information); 1-877-980-9220 (toll-free) (questions from people who are already receiving benefits)
Online: www.dshs.wa.gov/food-cash-medical; click on “What cash assistance can I receive if I am aged, blind or disabled?”
- *Help For People Unable to Work*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Housing,” then “Emergency shelter & assistance.”

Food Assistance

- Basic Food, a program of the Department of Social and Health Services (DSHS)
By phone: 1-877-501-2233 (toll-free)
Online: www.dshs.wa.gov/esa/community-services-offices/basic-food
- State Food Assistance Program (FAP): Provides food benefits to immigrants who are not eligible for the Basic Food program.
By phone: 1-877-501-2233 (toll-free)
Online: www.dshs.wa.gov/esa/community-services-offices/state-food-assistance-program-fap
- *Washington Basic Food Program – General Eligibility Rules*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then “Food assistance”

Housing and Essential Needs Program (HEN)

- *Help For People Unable to Work*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Housing,” then “Emergency shelter & assistance.”

Other Benefit Programs

- *See the Other Resources chapter at the end of this Handbook.*

TANF and Additional Requirements (AR)

- Department of Social and Health Services (DSHS): Administers the benefit programs; contact DSHS to apply for benefits or apply online using Washington Connection.
By phone: 1-800-737-0617 (toll-free) (general information) or 1-877-980-9220 (toll-free) (questions from people who are already receiving benefits)
Online: www.dshs.wa.gov/food-cash-medical; click on “What is Temporary Assistance for Needy Families (TANF)?”
Online application: www.washingtonconnection.org
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Public Benefits,” then “Cash assistance for families (TANF and WorkFirst)”
 - *Additional Requirements (AR)*
 - *Questions and Answers on the TANF 5-Year Time Limit*
 - *Welfare Benefits: TANF Rules and Eligibility*



CHAPTER 4

Planning For The Future

The Importance of Planning

This chapter explains what you can do to plan ahead for your own health care, the end of your life, and after your death. Even if you are in good health, or you don't have a lot of money or property, it is important to make a plan and get all of your documents in order. Estate planning can also help you with your retirement planning because you have to think about the value of everything you own, your retirement budget, and what you hope to pass on to your heirs.

Whether your health crisis is expected or unexpected, planning ahead will help make sure your wishes for your health care and end-of-life care are carried out. Planning ahead can also take the burden off your family and avoid disagreements when they have to make difficult decisions for you.

Health-Care Directives allow you to give instructions about your medical care or choose a person to make decisions for you. You can also choose a Power of Attorney, which allows someone else to make financial decisions or sign documents for you. If at some point you are permanently unable to make decisions for yourself, a Guardianship may be created for you.

This chapter also explains what you can do to make plans for your estate and dependents after your death. Although it can be a scary subject, planning ahead can give you some control over the process and take the burden off your loved ones. There are options to consider, including Wills, Trusts, and transfers of assets during your lifetime. This chapter also covers planning funerals and burials, and options for people with terminal illnesses.

Memory loss is a common problem as we get older. Some people develop dementia, Alzheimer's disease, or other mental illnesses, which can make it difficult to make decisions. If you are diagnosed with a condition like Alzheimer's disease, you may still have the ability to make decisions during early stages of the disease. Consider finishing your estate plan right away.

Many people say it's important to put their wishes in writing, but few have actually done it. We hope this chapter, the resources listed, and the estate planning checklist included, will help you get your estate plan in order.

Estate Planning

What Is Estate Planning?

Estate planning is making formal decisions about what will happen to you when you become incapacitated and what happens to your things when you die. “Estate” means whatever you own, including tangible property (your home, land, furniture, art, jewelry, vehicles, etc.) and intangible property (bank accounts, life insurance, stocks, bonds, retirement accounts, pensions, etc.).

When you create an estate plan, you make decisions about who will receive your property after you die. If you don’t have a plan, your estate will be distributed according to the law of the state where you live. Each state has its own laws that apply on death. There are many questions to think about. Some of these important questions are discussed in this section.

This section does not cover the tax effects of your estate plan. Please contact a tax professional if you feel your estate plan might have tax issues.

What Is in My Estate Plan?

A good estate plan usually includes documents such as: a Will and/or a Revocable Living Trust Agreement; a Financial Power of Attorney; a Health Care Power of Attorney; and a Health-Care Directive (also known as a Living Will). It can also include a Community Property Agreement and beneficiary designations. These documents are discussed in this section. *See also the “Health-Care Advance Directives” and “Powers of Attorney for Financial Matters” sections in this chapter.*

Preparing an estate plan is complicated. Estate planning forms or do-it-yourself software do not consider your unique needs, issues, or relationships. It is a good idea to hire a lawyer (or talk to a lawyer at a free legal service) to get advice and make sure your documents are valid. *See Resources for more information.*

What Is a Will and What Does It Do?

A Will is the formal, written document that explains what you want to happen with your probate assets after you die. It is sometimes called a Last Will & Testament. You may cancel or change your Will at any time. Your Will lists your probate property and the people (beneficiaries) you wish to give it to after you die. It also names a Personal Representative, also known as an executor, who will handle settling your estate after your death. *For more information on probate property and a Personal Representative’s duties, read the “Probate and Estate Administration” section in the Dealing With Death chapter.*

How Do I Execute a Will? How Do I Change It?

For your Will to be valid in Washington, you and two witnesses must sign it at the same time. The witnesses must be competent adults and should not be named as beneficiaries in the Will. It’s not required, but it’s a good idea to have the witnesses’ signatures notarized.

Although handwritten Wills are legal, it is better if your Will is typed. Once your Will has been signed and witnessed (“executed”), do not write on your Will for any reason. Store your original Will in a very safe place. After your death, the original Will must be filed with the court.

If you want to change your Will, do not write on it or change it yourself. You must officially change it with a document called a “codicil,” which must be signed and witnessed like your Will.

What If I Have an Illness or Disability That Makes It Hard to Sign?

If you are unable to sign your name, Washington law allows you to make a mark (like an “X”) or to have someone help you write your signature. In some instances, you can ask someone to sign for you, as long as you are there together and the Will describes this request.

What Is a Revocable Living Trust? Is It Different than a Will?

A Revocable Living Trust (RLT) is different than a Will, but it can be used as the main document of your estate plan. However, if the RLT is used as your primary estate planning document, you still need a short “pour-over” Will to go with the RLT. A “pour-over” Will is what transfers your assets into the RLT at the time of your death. A “pour-over” Will is very important because it is often difficult to transfer every asset you own to the trust during your lifetime. You can transfer your assets to the RLT during your lifetime, but the lawyer may charge a separate fee for drafting the transfer documents (deeds, assignments, etc.).

You will name someone in your RLT to manage and distribute your property after you die or become incapacitated. This person is called a “Trustee.” You can be your own Trustee (or Co-Trustee with your spouse) during your lifetime. The RLT can be canceled (or revoked) at any time.

Some people choose an RLT to avoid probate. (“Probate” refers to the court process of settling a person’s estate. *See the “Probate and Estate Administration” section in the Dealing With Death chapter for details.*) But for Washington residents, probate is relatively easy and affordable and is a good way to pay bills and settle debts. If someone suspects your Personal Representative of mishandling your estate, it is usually easier to deal with that in a probate.

In some situations, RLTs can be a good choice. For example – if you own real estate in two or more states; if you need or want help managing your assets during your lifetime; or, if you are seriously concerned about privacy (probate is public).

Before you create an RLT, though, be sure it is right for you. Unfortunately, there are RLT scams. Some of these scams involve companies that try to rush you into buying an RLT; some promote an RLT’s false tax savings or avoidance of creditors; and others try to sell you an RLT document alone. Remember, setting up an RLT takes time. Generally, a simple RLT will not save you taxes or avoid creditors.

Simply creating and executing an RLT document alone is not enough to avoid probate. You need to put your assets in the name of the RLT during your lifetime to avoid probate. Also, you need a pour-over Will to “catch” any assets that you do not title in the name of the RLT during your lifetime. That will ensure all the probate assets ultimately end up in the RLT for distribution in accordance with your plan. Finally, remember that setting up an RLT should be done with the help of a lawyer after careful review of your needs. *See Resources at the end of this section for more information.*

Like a Will, you can change the terms of an RLT during your lifetime. The changes are made with a document called an “amendment.” Again, this should be done with the help of a lawyer.

Are There Other Types of Trusts?

Yes. Trusts are very flexible and can serve many purposes. They may be revocable (i.e., can be canceled or amended) or not. They may take effect during your lifetime or after your death. They may be used for tax planning. One common example is a trust to benefit family members for specific purposes (like education) and according to particular rules (like a set amount of money given to grandchildren once they reach a certain age).

What Is a Beneficiary Designation? How Do I Make One?

Some assets can be distributed without a Will or RLT (called “non-probate assets”); for example, life insurance, retirement accounts, and bank or financial accounts can be set up to be “payable on death” or “transferable on death.” This is also known as a “beneficiary designation.” A beneficiary designation names who you want to receive that asset when you die. You must make your beneficiary designation with the company that holds the asset. It is very important that your beneficiary designations are consistent with your estate plan. *See the “Probate and Estate Administration” section in the Dealing with Death chapter of this Handbook for more information about non-probate assets.*

What Is a Transfer-on-Death (TOD) Deed?

A TOD Deed allows you to transfer property to one or more beneficiaries after your death without needing probate (*see the “Probate and Estate Administration” section of the Dealing with Death chapter*). To create or revoke a TOD Deed, you must meet the same requirements as you do to create a Will. The TOD Deed must have all the necessary elements of a valid deed (name the property being transferred, have a valid signature, etc.); state that the property is to be transferred upon your death; and be recorded with the public records in the county where the property is located. There are other important rules and things to know about TOD Deeds. Talk to a lawyer if you are thinking about creating a TOD Deed.

What Is a Community Property Agreement?

Washington is a “community property state.” This means that if you are married or in a registered domestic partnership, all property acquired during your marriage/partnership (except for gifts and inheritances given to one person separately) is owned equally. With some exceptions, you are free to leave your half of the community property to whomever you wish, even if your spouse or domestic partner is still alive. When you create an estate plan, you will need to figure out what is community property and what is not. You can do this by tracing where your property came from (purchase, gift, inheritance, etc.) and when you received or bought it (before marriage, during your marriage, or after).

A community property agreement is a contract between spouses/domestic partners that can alter which assets the couple owns as community property and which are each party’s separate property. These are known as one- or two-prong community property agreements.

Sometimes a community property agreement can also be used instead of a Will to transfer property to a surviving spouse/partner. Both spouses should still have Wills because the community property agreement works only between the spouses. It will not pass property to heirs when the surviving spouse dies. There is a lot to think about before choosing a community property agreement. You should talk to a lawyer. *See also the “Marriage” section of the Family Relationships chapter in this Handbook.*

What If I Co-Own Property With Other People?

There are many ways to own real property – such as land or a home – with another person, including what are known as “joint tenancy with rights of survivorship,” “joint tenancy without rights of survivorship,” and “tenants in common.” The type of ownership typically controls how your property will transfer upon your death. For example, if you own land with someone in “joint tenancy with rights of survivorship,” then when you die, the surviving owner automatically becomes the owner of the entire property. If you own land with someone as “tenants in common,” then each owner may leave his or her share of the property to anyone he or she wishes upon death. It is very important to review the type of ownership you have when preparing your estate plan.

What About Joint Bank Accounts?

It is common to add a family member or friend to a bank account as a joint owner. Often this is done because the account owner needs help paying bills or dealing with other financial matters. Be aware that when you die, the other joint owner may become the sole owner of the account, even if you left it to someone else in your Will. One alternative to naming someone as a “joint tenant” on your account is to use a Financial Power of Attorney (*see the “Powers of Attorney for Financial Matters” section in this chapter*). Another option is to add someone as a signer – but not as an owner – on your account.

Can I Just Give Away My Property While I Am Living?

Older adults sometimes want to sell or give away their assets (such as money or property) to help family or friends, and to avoid probate or estate taxes. However, there are some risks you should consider before giving away your property to someone (the recipient). Once you give the property away, it doesn’t belong to you anymore, and the recipient does not have to give it back. Even if the recipients mean well, they could be sued, divorced, or bankrupt, and creditors could take the property. This could be very risky for you if, for example, you gave away your home and were expecting to still live in it. Finally, if you give property away within five years of applying for Medicaid long-term care, you may have a “period of ineligibility” for Medicaid’s long-term care coverage. *See the “Medicaid” section in the Health Care chapter of this Handbook for more information.*

Giving property away may also have federal gift tax implications. Talk to a tax advisor before gifting significant cash or assets away.

What If My Beneficiary Is Disabled or Has a Drug or Alcohol Problem?

Leaving assets to someone with a disability often requires special planning. They may be getting benefits from public assistance programs, and inheriting assets may disqualify them. In that situation, you might be able to set up a “Supplemental Needs Trust” or a “Special Needs Trust.” If this type of trust is done right, the assets can be used for the benefit of the disabled beneficiary to supplement the public benefits without losing the benefits.

Leaving assets to someone who struggles with substance abuse or who does not manage money well also requires special planning. That situation can be complicated because you want to help, but the person’s behavior can be unpredictable. In such cases, a carefully drafted trust could be included in your Will or RLT.

What About Pets?

Your wishes for the care of your pet can be put in your Will, RLT, or in a separate trust. Decisions to make include: Who will become your pet’s caretaker? If none of your friends or relatives can do it, is there someone who could find a suitable home for your pet? Do you want to leave any money to your pet’s new caretaker for veterinary care, food, or other supplies?

What If I Have a Safety Deposit Box?

If you have a safety deposit box, you should arrange with the bank for at least one other person to have access to it. This is helpful for many reasons. You want someone to be able to get what is in your safety deposit box after you die, especially if your original Will is stored there, which might be needed for probate. If you do not, your family may have to spend time and money getting a court order just to open the box.

What About all the Stuff I Have Online?

As the years go by, more and more of our lives are tied to the Internet. Will your survivors be able to get access to your home computer and online accounts after you die? That depends in large part on what plans you made during your lifetime. When you are collecting information for your executor, think about including information about when/how you access and pay your bills; financial accounts; websites; social media accounts; email accounts; photos; etc. These are called “digital assets.” Make a list of your digital assets, store it in a safe place, and keep the list updated. You may also want to consider including a specific provision in your Power of Attorney giving your agent permission to access those assets (see the “Power of Attorney for Financial Matters” section of this chapter). *For more information, see the listings under “Digital Assets” in Resources at the end of this section.*

What If My Partner and I Are Not Married?

If you are not married, your assets will not pass to your partner when you die unless you include your partner in your estate plan. If you are in a state registered Domestic Partnership, many of the estate planning benefits and laws that apply to married couples will apply to you and your domestic partner. Laws can change, however, so it is still very important that registered domestic partners, like all couples, create an estate plan. *See the “Domestic Partners and Unmarried Couples” section of the Family Relationships chapter for more information.*

How Do I Keep My Estate Plan Updated?

Review your estate plan whenever a major event occurs in your life, such as marriage or divorce, birth or adoption, retirement, illness, a significant change in your assets, starting a business, purchase of property in another state or country, and death or illness of someone named in your plan. Be aware of changes in the law that might affect your plan. Make changes officially with a signed codicil or trust amendment.

What Happens If I Do Not Have a Will, Trust, or Community Property Agreement?

See “What Happens if There Is No Will?” in the “Probate and Estate Administration” section of the Dealing with Death chapter in this Handbook.

Resources

Cancer Patients and Others with Serious Illnesses

- *Breast Cancer Legal Resources Guide Washington State* (particularly Chapter 12), by Washington Women Lawyers
Online: www.wwl.org/res; click on “Breast Cancer Legal Resources Guide”
- Cancer Legal Resource Center: Legal information, resources and referral for people affected by cancer, including estate planning. Provides referrals to volunteer lawyers or local resources, if necessary.
By phone: 1-866-843-2572 (toll-free)
Online: www.disabilityrightslegalcenter.org/cancer-legal-resource-center

Characterization of Property

- *Community Debt and Bankruptcy*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then “Bankruptcy”

Digital Assets

- The Digital Beyond: Sample Will and Power of Attorney language for digital assets.
Online: www.thedigitalbeyond.com/sample-language/
- “Estate Planning for Your Digital Assets,” by Dennis Kennedy, *Law Practice Today*, March 2010
Online: <http://apps.americanbar.org/lpm/lpt/articles/ftro3103.shtml>
- Facebook: Information on designating a legacy contact.
Online: www.facebook.com/help/1568013990080948

First Responders

- Washington First Responder Will Clinic, WA State Bar Association: Basic estate-planning documents — Wills, Powers of Attorney, and Health-Care Directives — for Washington first responders and their spouses/state registered domestic partners; a questionnaire must be filled out online and brought with the member the day of the appointment; appointment booking for first responders will open 30 days prior to each clinic. Appointment must be scheduled online and must confirm clinic appointments listed on the site.
Online: www.willclinic.org

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- National Center for Lesbian Rights publications:
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
 - *Planning with Purpose: Legal Basics for LGBT Elders* (see Part V)
www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf
 - *Navigating the System*: The state information is for California, but the general tips and federal information are useful for Washington residents.
www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf

Low-Cost or Free Estate Planning Advice

- CLEAR*^{Sr}: For people 60 years or older; provides legal advice and referral by phone regarding civil legal issues, including estate planning and guardianship.
By phone: 1-888-387-7111 (toll-free) ; TTY: 1-800-833-6384 (toll-free) (Monday through Friday, starting at 9:15 AM to leave a message for a call back)
Online: <http://nwjustice.org/clear-hotline>
- Eastside Legal Assistance Program (ELAP): Individual legal clinic consultations and referrals; estate planning information to senior citizens through lecture series (durable power of attorney, probate and estate, living trusts).
By phone: 425-747-7274
Online: www.elap.org

- King County Bar Association Elder Law clinics in Seattle and Kent for King County residents; appointment required; call Monday through Thursday, 9:30 AM to 3:30 PM for appointments
By phone: 206-448-5720
Online: www.kcba.org/pbs/NLC.aspx
- Senior Rights Assistance Program serving King County: Free help from a lawyer to create a basic will.
By appointment.
By phone: 206-448-5720 or 1-800-972-9990 (toll-free); TTY: 206-448-5025
By email: sra@seniorservices.org

Native Americans

- Indian Institute for Estate Planning and Probate at Seattle University School of Law
Online: www.law.seattleu.edu/centers-and-institutes/center-for-indian-law-and-policy/programs/indian-institute
- Northwest Justice Project's Native American Unit provides free civil legal services, including Wills and BIA probate.
By phone: 1-888-201-1014 (toll-free); press 5

Special Needs and Disabilities

- Special Needs Alliance
By phone: 1-877-572-8472 (toll-free)
Online: www.specialneedsalliance.org
- *Special Needs Trusts*, by Disability Rights Washington
By phone: 1-800-562-2702 (toll-free); 206-324-152; TTY: 711
Online: www.disabilityrightswa.org; click on "Tools to Help You," then on "Money Matters"
- Wills Project, Pierce County AIDS Foundation: Estate planning for people living with HIV/AIDS in Pierce County, 2-4 PM, 3rd Thursday each month. Call for appointment or drop in.
By phone: 253-383-2565; TTY: 253-627-7830
Online: www.piercecountyaims.org/services

Unmarried Couples

- *Basic Estate Planning for Unmarried Couples*, by Legal Voice
Online: www.legalvoice.org; click on "Tools & Resources," then "Wills, Estate Planning & Death"

Wills and Trusts

- *ABA Guide to Wills and Estates*, by American Bar Association: Provides general information about estate planning, but it is not Washington-specific.
By phone: 1-800-285-2221 (toll-free) (book orders)
Online: <http://public.findlaw.com/bookshelf-gwe/> (download the book for free)

- *Guide to Estate Planning*, by the Estate Planning Council of Seattle
By phone: 206-504-4968
Online: www.epcseattle.org; click on “Resources,” then on “Publications”
- National Consumer Law Center publications:
By phone: 617-542-8010
Online: www.nclc.org; click on “For Consumers,” then “NCLC’s Consumer Education Brochures,” then “For Advocates,” then scroll down
 - *Avoiding Living Trust Scams: A Quick Guide for Advocates*
 - *Tips for Seniors on Living Trusts* (provides information about common scams involving living trusts and wills)
- Nolo.com: Offers a wealth of basic information about legal issues, including Wills, trusts and probate.
Online: www.nolo.com/legal-encyclopedia/wills-trusts-estates
- *Washington Estate Planning Deskbook*, by the Washington State Bar Association
In print: Visit your public library or county law library (*see the Legal Help chapter of this Handbook*)
By phone: 1-800-945-9722 (toll-free) (to order a copy for \$150)
- WA-wills.com: Offers free templates and instructions to write your own simple will and other basic estate planning documents.
Online: www.wa-wills.com
- “Wills: What you need to know about creating a Last Will and Testament,” a brochure by the Washington State Bar Association
Online: www.wsba.org; in the menu at the left of the page click on “The Public,” then scroll down and click “Consumer Information,” then click “Wills.”

Health-Care Advance Directives

What Are Advance Directives?

Advance directives are written instructions (“directives”) about your wishes for health care. Advance directives are legal documents used in the event you are unable to make health-care decisions for yourself. For example, directives might be used if you are unconscious after an accident, in a coma, or have mental health issues such as Alzheimer’s disease. The instructions may include medical treatment you want, medical treatment you don’t want, and the name of the person you want to be in charge of health-care decisions.

There are two main types of advance directives, which are often used together and can be combined into one document:

- **Durable Power of Attorney for Health Care (Health Care DPOA):** Allows you to choose someone (called a health-care “agent”) to make decisions for you about your health care.
- **Living Will:** Describes your wishes about end-of-life care to your doctors. It is also known as a Health-Care Directive or Physician’s Directive.

There are two other types of advance directives:

- **Physician’s Orders for Life-Sustaining Treatment (POLST):** Medical orders from your doctor about the life-sustaining treatment you want or don’t want. A POLST is especially important in a medical emergency for people with serious medical conditions.
- **Mental-Health Advance Directive:** Allows you to give instructions about mental-health treatment and/or choose someone to make decisions for you about treatment.

Each of these four types of advance directives are explained in more detail in this section.

Who Makes Health-Care Decisions for Me If I Can’t Make Them?

If you can’t make health-care decisions for yourself, Washington State law decides who will make these decisions for you. By law, the following persons would make decisions for you, in this specific order:

1. Your court appointed guardian, with health care decision making authority
2. If none, your health-care agent listed in your Health Care DPOA
3. If none, your spouse or your state-registered domestic partner
4. If none, your adult children (at least 18 years old)
5. If none, your parents
6. If none, your adult siblings

If a category has more than one person (such as two or more adult children), then they all must agree. This situation can be very stressful for families. It is often easier if a health-care agent has been chosen ahead of time. Note: In some cases, your Health Care DPOA can be revoked or terminated by a court appointed guardian or by a court order.

How to Prepare, Use and Change Advance Directives

How Do I Prepare Advance Directives?

Advance directives are legal documents. There are forms you can use (*see Resources at the end of this section*). Read the forms carefully. Think about your medical needs and preferences. Include information that is important to you, such as your values and concerns. You should talk with a lawyer and your doctor as you prepare your advance directives. These professionals can help make sure the advance directives match your wishes and special circumstances.

You will need to sign and date your advance directives. Witnesses or your doctor must sign some of the directives (*see descriptions below*). In Washington State, you don't have to get them notarized, but it is highly recommended, especially if you travel to other states where advance directives must be notarized.

What Should I Do Once I Have Advance Directives?

Keep the original advance directives where you can get them easily, but not in a safety deposit box. Give copies to your doctor (it will become part of your medical record), your lawyer, your agent(s), and your family members. You can also store copies in an online registry such as the U.S Living Will Registry, which is readily available to doctors and hospitals (*see Resources at the end of this section*). The registry will send you a wallet card and a sticker for your driver's license or identification card to notify medical personnel about your directives stored with the online registry. Keep track of who has a copy so you can give these people a new copy if you make changes. Review your advance directives every once in a while to make sure they reflect your current wishes.

Be sure to discuss your health-care wishes with the people who will be making decisions for you. Make sure they understand the care you want and don't want. Ask your doctor if he or she, and your hospital or other facility, will follow the advance directives. If the doctor will not follow your advance directives, you have the right to find another doctor who will.

How Do I Change or Cancel My Advance Directives?

You can change or cancel ("revoke") your advance directives at any time if you are mentally capable. It is best to give a written change (or cancellation) to your agents, doctors, and anyone else who has copies. You can verbally tell your doctor (and all others who have a copy) if you want to cancel (but not change) your directives. You can also destroy the documents, or draw a line through them and write "VOID" in large letters, but you still need to notify those people who have copies of your directives. If you have your advance directives in the U.S. Living Will Registry (described above), you can use a form on the website to change or cancel them.

Types of Advance Directives

What Is a Durable Power of Attorney for Health Care (Health Care DPOA)?

A Health Care DPOA allows you to choose someone you trust (your health-care "agent") to make most health-care decisions for you when you are not able to make those decisions for yourself. It is difficult to know what may happen to you in the future or what you will want at that time. Because of this, it is a good idea to choose a health-care agent to make decisions if you cannot. Your agent will be able to agree to or refuse most medical treatments for you. You can also give your agent the power to follow the end-of-life

wishes that you have written in your Living Will (*see “What is a Living Will?” below*). Your agent has this “durable” power only when you are unable to make decisions for yourself.

Washington State law does not require witnesses or a notary to sign a Health Care DPOA, but notarizing is recommended.

Who Can Be My Health-Care Agent?

Your agent must be at least 18 years old and of sound mind. Your agent cannot be your doctor, your doctor’s employees, or the owner or employees of a health-care facility you live in (unless they are also a close relative such as a spouse or an adult child). Your agent should be someone you trust and someone who will speak up for what you want. It is important to name an alternate agent in case the first person you name is unwilling or unable to be your agent. *See the listings under “Advance Directive Forms and Assistance” in Resources at the end of this section.*

Note: If your spouse is your agent and you divorce or legally separate, he or she will automatically no longer be your agent unless special arrangements are made. *See the “Divorce” section of the Family Relationships chapter in this Handbook.*

What Is a Living Will?

A Living Will (also known as a Health-Care Directive or Physician’s Directive) describes your wishes for medical treatment at the end of your life when you can no longer make health-care decisions for yourself. A Living Will would take effect if you are terminally ill (meaning that you will die soon because of an injury, disease or illness), or if you are permanently unconscious (including irreversible coma and persistent vegetative state). Depending on your condition, one or two doctors must agree in writing before treatment can be withheld. It is possible that a Living Will could also be used in non-terminal situations, such as if you become mentally incapacitated with Alzheimer’s and are close to the end of your life. *See “Alzheimer’s Disease and Dementia Mental Health Advance Directive” by End of Life Washington listed under “Mental-Health Advance Directives and Resources” in Resources at the end of this section.*

A Living Will says what kind of treatment you want in these situations for your end-of-life care. For example, if you are unlikely to recover, you may want to specify whether you will be kept alive with machines or not. You can also specify what kind of life-sustaining treatment you want or don’t want, such as resuscitation (bringing you back using CPR), artificial ventilator or respirator (breathing), and artificial nutrition and hydration (food and water).

By Washington State law, your Living Will must be signed and dated in front of two witnesses, and the two witnesses must also sign. The witnesses can’t be related to you by blood or marriage, someone who would inherit money or property from you, creditors (people you owe money to), your doctor or the doctor’s employee, or an employee of a health-care facility where you are a patient. *See the listings under “Advance Directive Forms and Assistance” in Resources at the end of this section.*

Keep in mind that Living Wills are not “orders,” but only give your doctor permission to follow your end-of-life wishes. Living Wills will not be followed by emergency medical personnel unless you also have a POLST (*see next page*). Also, a doctor (or facility such as a hospital) can choose not to follow your Living Will, so it is important to ask in advance if your Living Will will be followed. A Living Will can also be overruled by a legal guardian. *See the “Guardianship” section of the Planning for the Future chapter in this Handbook.*

It is a good idea to have both a Living Will and a Health Care DPOA. If you have both, your health-care agent can use the Living Will as a guide to carry out your wishes.

What Is a Physician’s Order for Life-Sustaining Treatment (POLST)?

A physician’s order for life-sustaining treatment or POLST is a medical order (usually a bright green form) from your doctor about life-sustaining treatment you want or don’t want. It is generally used by people who have serious health conditions, or by people who want to specify what types of life-sustaining treatment they want or do not want in an emergency situation. Emergency medical services must follow the POLST. The order should always stay with you (and a copy should be kept in your medical records) if you are moved to other facilities. The POLST must be signed by both you and your doctor. No witnesses are needed.

What Is a Mental-Health Advance Directive?

A Mental-Health Advance Directive allows you to give directions about mental-health treatment you want or don’t want (such as medications, hospital admission, and alternative treatments) and directions about your personal affairs. You can also choose someone (called an “agent,” just like in a Health Care DPOA described earlier in this section) to make these decisions. These directives are generally used by individuals with a mental illness, such as Alzheimer’s disease, advanced dementia, bipolar disorder, and schizophrenia. You should talk with a lawyer and your doctor or mental-health professional about advance planning for your mental-health care.

Typically you will want the Mental-Health Advance Directive to take effect at the point when you no longer have the mental capacity to make decisions (“mentally incapacitated”). A court or two health-care providers will decide if you are incapacitated. If you name an agent, you should say in the directive that you want the agent to have powers when you are incapacitated. You can also allow the agent to have powers when you are able to make decisions. You must include whether or not you want to be able to cancel (or revoke) the directive when you are incapacitated.

Mental illness can sometimes cause people to refuse treatment. If you know now that, no matter what you say at the time, you want to be given treatment once you become mentally incapacitated, you can put that instruction in your Mental-Health Advance Directive. Washington law allows this, but doctors do not have to treat you against your will, even if you are no longer legally allowed to make these decisions for yourself. It is a good idea to have an agent who can use the directive as a guide to carry out your wishes. You must have two adult witnesses sign your Mental-Health Advance Directive. They must personally know you, be present when you sign it, and agree that you were able to make decisions and were acting of your own free will when you signed it. The witnesses can’t be related to you by blood or marriage; someone you are dating; your agent; your health-care provider; an owner or employee of a health-care facility where you are a patient; or someone who would benefit financially from your treatment.

Resources

Advance Directive Forms and Assistance

- Ask a lawyer or your doctor for advance directive forms and assistance.
- CaringInfo, a program of the National Hospice and Palliative Care Organization: Provides information about advance directives, and forms for Durable Power of Attorney for Health Care and Living Wills (Health-Care Directives).
By phone: 1-800-658-8898 (toll-free)
Online: www.caringinfo.org; click on “Download Your State Specific Advance Directive,” then click on “Washington”

- End of Life Washington: A nonprofit association that offers free assistance with advance directives; End of Life Washington provides a free form that is both a Durable Power of Attorney for Health Care and a Living Will (Health-Care Directive), and information about the POLST form.
By phone: 206-256-1636 or 1-877-222-2816 (toll free)
Online: www.endoflifewa.org
- Nolo.com: Offers a wealth of basic information about legal issues, including living wills:
Online: www.nolo.com/legal-encyclopedia/living-wills
 - *Choosing Your Health Care Agent*
 - *Living Wills and Powers of Attorney for Health Care: An Overview*
- *Powers of Attorney and Health Care Directives*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Health,” then “Powers of Attorney & Health Care Directives”
- *Questions and Answers on Living Wills*, by Columbia Legal Services
Online: www.washingtonlawhelp.org; click on “Seniors,” then “Powers of Attorney & Health Care Directives”
- WA-wills.com: Offers free templates and instructions to write your own basic estate planning documents.
Online: www.wa-wills.com
- Washington State Medical Association: Provides information about advance directives, and forms for durable Power of Attorney for health care and Living Wills (Health-Care Directives).
By phone: 206-441-9762 or 1-800-552-0612 (toll-free)
Online: www.wsma.org; click on “For Patients and Physicians,” then click on “End of Life,” then click on “Advance Directives”

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

Navigating the System, by the National Center for Lesbian Rights: The state information is for California, but the general tips and federal information are useful for Washington residents.

By phone: 415-392-6257 or 1-800-528-6257 (toll-free)

Online: www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf

Mental-Health Advance Directives and Resources (including Alzheimer’s disease)

- Alzheimer’s Association of Western and Central Washington: Provides assistance and information for individuals with Alzheimer’s disease and their families.
By phone: 1-800-272-3900 (toll-free)
Online: www.alz.org/alzwa
- *Alzheimer’s Disease and Dementia Mental Health Advance Directive*, by End of Life Washington and Lisa Brodoff, Esq.
Online: www.endoflifewa.org/alzheimers-diseasedementia-advance-directive/

- Disability Rights Washington: Provides information and referrals for individuals with disabilities, including publications such as “Writing Your Mental Health Advance Directive.”
By phone: 1-800-562-2702 (toll-free) or 206-324-1521; TTY: 1-800-905-0209 (toll-free) or 206-957-0728
Online: www.disabilityrightswa.org; click on “Tools to Help You,” then “Mental Health”
- Division of Behavioral Health and Recovery of DSHS: Provides a mental-health advance directive form and a publication called “Mental Health Advance Directives: Information for Consumers” in multiple languages.
By phone: 360-725-1280 or 1-800-446-0259 (toll-free)
Online: www.dshs.wa.gov/bhsia; click on “Division of Behavioral Health and Recovery,” then click on “Mental Health Services and Information” at left, then click on “Advance Directives”
- National Resource Center on Psychiatric Advance Directives
Online: www.nrc-pad.org
- Northwest Justice Project publications:
 - *Mental Health Advance Directive*
 - *Mental Health Resource Manual*

Online Registry for Advance Directives

- U.S. Living Will Registry: Store living wills and other advance directives in a secure online database for a fee. The database can be accessed by your authorized health-care providers for a fee; also lists some community partners in Washington State who will provide this service for free.
By phone: 1-800-548-9455 (toll-free)
Online: www.uslivingwillregistry.com

Powers of Attorney for Financial Matters

What Is a Financial Power of Attorney?

A financial Power of Attorney (POA) is a legal document that gives someone you trust (your “agent”) authorization to handle your finances if you cannot, such as when you are in the hospital or a nursing home. Having a POA is a good way to make sure your financial affairs will be handled properly. Note that a POA is different than a Power of Attorney for Health Care (*see the “Health-Care Advance Directives” section of this chapter*), though sometimes they can be combined into one document.

In a financial POA, you can give your agent either full power to manage all of your financial affairs, or limited financial powers. But as long as you are able to make decisions for yourself, you have the authority to control your financial affairs, and your agent cannot override your decisions.

What Kind of (POA) Do I Need?

- **A Limited POA** gives your agent very limited powers (for example, to write checks on a certain bank account or to sell a specific property on your behalf) usually for a specific period of time.
- **A General POA** gives your agent very broad financial powers, such as managing all of your bank accounts, signing contracts, filing and paying your income taxes, and even selling your property. A general POA ends (“expires”) automatically when you become mentally disabled and are unable to manage your own finances.
- **A Durable POA** gives your agent broad powers (like a General POA), and also will continue to be effective if you become mentally disabled. In this way, the POA can be used as an alternative to a guardianship, as long as it is signed before you become mentally disabled. You also need to decide if you want your durable POA to start immediately or after you become mentally disabled. If you are concerned about losing control over your assets, you may want a POA that starts after you become mentally disabled. You can also say in your POA that your mental disability will be determined by one or more doctors listed in your POA.

Do I Need a Notary?

Beginning January 1, 2017, new or updated POAs must be notarized. If your POA was created before January 1, 2017, it does not need to be notarized, unless you want your agent to buy or sell real estate, or are combining your financial and health-care POA. But many banks have policies that require a POA to be notarized.

Do I Need a Lawyer?

It is a good idea to have a lawyer prepare your POA to make sure it fits your situation. You can also use a POA form. *See the publication “Questions and Answers on Power of Attorney” listed under “Information and Forms” in Resources at the end of this section.*

Do I Need to Update My POA?

It is good to update your POA at least every four years, as many financial institutions will not honor a POA that is too old. If you don’t want to change anything about your POA, you may be able to update your POA simply by filling out a new form. However, you must make sure that the law has not changed and the form you are using is the most current. Remember, beginning January 1, 2017, new or updated POAs must be notarized. *See “Do I Need a Notary?” above.*

How Can I End or Change My Power of Attorney?

You can end (“revoke”) or change your POA at any time as long as you are competent (mentally able) to do so. You can do this by signing a document to change or revoke the POA, preferably in front of a notary public. You must use a notary if your POA was notarized to allow your agent to buy or sell real estate. Tell your agent about any changes as soon as possible. Starting January 1, 2017, all new and updated POAs must be notarized. *See “Do I Need a Notary?” earlier in this section.*

Do I Need to File My Power of Attorney with the Court?

In Washington, you don’t need to file your POA with the Recorder’s Office unless your agent needs to buy or sell real estate for you. In that case, the POA should be filed in the county where the property is located, and any changes you make to your POA should also be recorded with the Recorder’s Office.

Who Should I Choose as My Agent?

Your agent should be someone you know well and fully trust. Many people name their spouse, their child, a close relative, or a long-time friend as their agent. If you do not have a friend who is able or willing to serve, then a trusted advisor like a certified public accountant, financial advisor, or lawyer might be willing to be your agent. Some guardianship companies and trust companies are also willing to act as your agent under a POA. You may also name more than one person to serve as “co-agents,” but the co-agents must agree before taking action. Usually it is better to name an alternate agent if your first agent is unable to serve.

Note: If your spouse is your agent and you divorce or legally separate, he or she will automatically no longer be your agent unless special arrangements are made. *See the “Divorce” section of the Family Relationships chapter in this Handbook.*

What Can My Agent Do?

You can decide to give your agent the power to take any of these actions:

- Make real estate or personal property transactions.
- Control all bank (or other financial institution) transactions or accounts.
- Buy and sell all types of stocks and securities.
- Open and control safety deposit boxes.
- Deal with any type of insurance or annuity policy, or retirement-plan transaction.
- Handle all tax matters.
- Bring or defend or settle all claims or lawsuits.
- Conduct all business operations.
- Borrow money or mortgage property.
- Make or change trust agreements.
- Make or change payable-on-death, transfer-on-death or joint-tenants-with-right-of-survivorship beneficiary designations (this requires a special statement in your POA).
- Make or change community property agreements (this requires a special statement in your POA).
- Make any gifts of property.

Under Washington State law, your agent cannot:

- Make, amend, alter or revoke your Will or codicil on your behalf.
- Appoint or change a back-up agent for him or herself.
- Vote on your behalf in public elections.

Your agent has a great responsibility and must act for your best interest, according to the terms of the POA. It is important for your agent to make good decisions and keep detailed records of everything he or she does on your behalf.

What If I Believe My Agent Is Not Handling My Finances Correctly?

You (or, if you are disabled, your spouse or other person concerned about your welfare) may ask your agent (or former agent) to give you a complete accounting of what he or she has done while serving as your agent.

If your agent does not give you a complete accounting, or the accounting shows mishandling of your finances, you (or your spouse or other concerned person) can petition the court. The petition can order your agent to give you a complete accounting, or return the money that was lost due to your agent's actions.

Resources

Information and Forms

- *Fiduciary Duties*, by Senior Rights Assistance
By phone: 206-448-3110
Online: www.seniorservices.org/financiallegalprograms/SeniorRightsAssistance.aspx; click on "Powers of Attorney"
- Nolo.com: Offers a wealth of basic information about legal issues, including Powers of Attorney.
Online: www.nolo.com/legal-encyclopedia/powers-of-attorney
- *Powers of Attorney and Health Care Directives* (includes form), by Northwest Justice Project (also available in Spanish and Russian)
Online: www.washingtonlawhelp.org; click on "Seniors," then on "Powers of Attorney & Health Care Directives"
- WA-wills.com: Offers free templates and instructions to write your own basic estate planning documents.
Online: www.wa-wills.com
- Revised Code of Washington (RCW) Chapter 11.94: Laws covering Power of Attorney. Available in print at your public library.
Online: <http://apps.leg.wa.gov/RCW/default.aspx?cite=11.94>
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)

Low Cost or Free Legal Advice

- King County Bar Association Neighborhood Legal Clinics
By phone: 206-267-7070 (Tuesday - Thursday from 9 AM - 12 PM)
Online: www.kcba.org/pbs/NLC.aspx
- Northwest Justice Project hotlines:
 - CLEAR*Sr: For people 60 years or older; provides legal advice and referral by phone regarding civil legal issues, including estate planning and guardianship.
By phone: 1-888-387-7111 (toll-free); TTY: 1-800-833-6384 (toll-free) (Monday through Friday, starting at 9:15 AM to leave a message for a call back)
 - CLEAR: For low-income people outside King County; provides legal advice and referral by phone, regarding civil legal issues.
By phone: 1-888-201-1014 (toll-free); TTY: 1-800-833-6384 (toll-free); Monday through Friday, 8 AM to 6 PM (interpreters available)
Online: <http://nwjustice.org/clear-online> (to apply online for a call back)

Guardianship

What Is a Guardianship?

In Washington, a guardianship is a legal procedure where a person (called a guardian) is appointed by the court to manage the affairs of a person who is “incapacitated.” Legally, incapacitated means a person is 18 years or older and unable to handle her or his own health care or financial affairs because of mental deterioration, mental illness, physical incapacity, or developmental disability.

Do I Need a Guardian?

A guardian may be needed if you can no longer safely handle your personal or financial affairs and if you do not have a Power of Attorney (or you have one but it is not functional) and no longer have capacity to create a valid Power of Attorney.

Who Will Be the Guardian?

A court will often appoint a qualified family member or friend to be your guardian. If there is no such person, the court may appoint a “certified professional guardian.” If you have assets worth over \$3,000, your funds will be used to pay any guardian fees and costs. If you have less than \$3,000 and receive benefits, your guardian’s fees and costs may come out of your public benefits.

You can prearrange for your own guardian with a durable Power of Attorney document. *See the section “Powers of Attorney for Financial Matters” in this chapter for more information.*

Are There Different Types of Guardianships?

Yes. Here are some common types of guardianship:

- If your guardian has complete control of your health-care and financial decisions, that is a “full guardianship of the person and estate.” The guardian could even override your Living Will, though this is only allowed if your Living Will is no longer in your best interest.
- If the court allows you to control some of your health-care or financial matters, your guardian has a “limited guardianship of the person” (health care) or a “limited guardianship of the estate” (financial). If this is your situation, you would keep certain rights, for example, to marry, vote, or choose your doctor.
- It is possible to have a “limited guardianship” in one area and a “full guardianship” in the other area. For example, if you are able to make your own health-care decisions but can no longer manage your finances, you could have a “limited guardianship of the person” and “full guardianship of the estate.”

Are There Alternatives to Guardianship?

Appointing a guardian can be costly and complicated. Here are a few ways to help avoid it:

- **Health-Care Alternatives:** A Durable Power of Attorney for Health Care (“Health Care DPOA”) can in many cases make a guardianship of the person unnecessary. If you become incapacitated, the person you appoint under your Health Care DPOA as your agent can make health-care decisions for you. If you become incapacitated and you do not have a Health Care DPOA or yours is invalid (for example, it’s not signed or no agent is available), a guardianship of the person may be necessary. *See the “Health Care Advance Directives” section in this chapter for more information.*
- **Financial Alternatives:** Some options to consider are Powers of Attorney, living trusts, joint bank accounts, representative payees, or a combination of these. It is a good idea to speak with a lawyer to

decide which is best for you. See the “Powers of Attorney for Financial Matters” and “Estate Planning” sections in the *Planning for the Future* chapter and the “Social Security” section in the *Financial Benefit Programs* chapter in this Handbook for more information.

Can I Stop a Guardianship?

A guardianship is a serious matter. You could lose important rights, like your right to marry or vote. If someone tries to create a guardianship for you that you think is unnecessary, you can fight it in court. If you cannot afford a lawyer, the court will appoint one for you at public expense.

Resources

General Information and Referrals

- *Guardianship Basics - Frequently Asked Questions*, by DSHS Aging and Long-Term Support Administration
By phone: 360-725-2300
Online: www.dshs.wa.gov/altsa; click on “Frequently Asked Questions,” then from the Topics menu choose “Guardianship Basics”
- *Guardianship*, by The ARC of Washington State
By phone: 360-357-5596 or 1-888-754-8798 (toll-free)
By email: info@arcwa.org
Online: <http://arcwa.org/library/guardianship>
- Publications on Washington Law Help:
Online: www.washingtonlawhelp.org; click on “Seniors,” then on “Guardianship”
 - *Alternatives to Guardianship for Adults*, by Northwest Justice Project
 - *How to Modify or Remove a Guardianship*, by Disability Rights Washington
 - *Questions and Answers on Guardianship*, by Columbia Legal Services

Assistance for Guardians

- National Guardianship Association
By phone: 1-877-326-5992 (toll-free)
By fax: 814-355-2452
By email: info@guardianship.org
Online: www.guardianship.org

Washington Guardianship Laws and Regulations

- Revised Code of Washington (RCW): Available online and in print at your public library.
 - Guardianship – Appointment, Qualification, Removal of Guardians (Chapter 11.88 RCW)
<http://apps.leg.wa.gov/RCW/default.aspx?cite=11.88>
 - Power of Attorney (Chapter 11.94 RCW)
<http://apps.leg.wa.gov/RCW/default.aspx?cite=11.94>

- Washington Administrative Code (WAC), Chapter 388-79: Available online and in print at your public library.
Online: <http://apps.leg.wa.gov/wac/default.aspx?cite=388-79>

Guardianship Forms

- Guardianship Facilitator: If you live in King County and are not represented by a lawyer the Facilitator's Office provides information on how to proceed with guardianship actions and review forms you have filled out.
Online: www.kingcounty.gov/courts/FamilyCourt/facilitator.aspx
- King County Superior Court Guardianship Forms and Information:
By phone: 206-296-9297
Online: www.kingcounty.gov/courts/scforms/guardianship.aspx

Planning for Death

Preparing in advance for the end of your life can be very helpful for your family members and can help make sure that your wishes are carried out. Your preparation should include gathering updated personal information and important documents in one place, and writing a “Letter of Instruction” or “Final Instructions” letter, which you should give to a family member or friend. This letter can list your after-death plans, including naming someone to be your “Designated Agent” to carry out your plans, and sharing the location of your important documents. Be sure to discuss your plans with family or friends closest to you, so they will understand all of your instructions. *For more information, see the People’s Memorial Association, listed in Resources at the end of this section and the “After a Death Occurs – A Checklist” section in the Dealing with Death chapter in this Handbook.*

Funerals, Burial, and Organ Donation

What Funeral Plans Should I Consider Making?

There are a number of decisions you can make when you are pre-planning your funeral. For example, you can decide if you want a funeral or memorial service; write your own obituary; choose the flowers, the music, the readings, and other personal touches; decide if you want to be buried or cremated; and choose your final resting place. Planning in advance lets you compare funeral services and prices, and helps ease the burden on your family and friends.

The federal government and State of Washington have laws that funeral service providers must follow. For example, itemized price information must be given over the telephone, and if you meet in person, prices must be confirmed in writing upon request. Also, you do not have to purchase a package that includes items you do not want (such as a casket or a memorial service). This “Funeral Rule” is enforced by the Federal Trade Commission (FTC). *For more information, see the listings under “Funerals and Planning” in Resources at the end of this section.*

If you are a Washington State resident, you can sign a “Disposition Authorization” form to legally choose burial or cremation, and a “Designated Agent” form to name the person you want to carry out your after-death plans. You must sign these documents in front of a witness. You can get these forms from the People’s Memorial Association and End of Life Washington (*listed in Resources at the end of this section*) or your lawyer can prepare the necessary documents. If you do not complete these forms, Washington State law allows a surviving spouse or state registered domestic partner to make these after-death decisions for you. If you do not have a surviving spouse or state registered domestic partner, this responsibility then goes to your adult children, then parents, then siblings. *For more information, see the “Funerals, Burials, and Cremation” section of the Dealing with Death chapter in this Handbook.*

Note: If your spouse is your agent and you divorce or legally separate, he or she will automatically no longer be your agent unless special arrangements are made. *See the “Divorce” section of the Family Relationships chapter in this Handbook.*

If you are a veteran or veteran’s family member, you may be eligible for free burial, burial in a veteran’s cemetery, and other benefits. You can preregister and get more information at the Washington State Department of Veterans Affairs office. *See the listings under “Veteran’s Burial and Benefits” in Resources at the end of this section for contact information.*

Be sure you explain all of your after-death plans to your family or close friends. One way is by writing a “Letter of Instruction” or “Final Instructions” letter. You could also choose a funeral home and pre-plan all the details of your funeral or memorial. Or, you could become a member of a nonprofit memorial society, which can help with many of these types of pre-planning issues.

You do not need to pay in advance for your after-death plans, though it is wise to have enough money set aside to pay for the type of services you want. If you qualify for Medicaid, Washington State allows you to set aside \$1,500 for a burial, which should be in a separate bank account called a “Pay on Death” account. After your death, this money will be given to the person you have chosen to take care of your after-death arrangements. *See Resources at the end of this section for more information.* Also, a Washington State Funeral Directors Association program called the Washington Master Trust helps with prepaid burial plans. Ask the planning counselor at your chosen funeral home for more information.

How Do I Donate My Organs and Tissue?

Anyone can be a donor regardless of age, race, or medical history. Register with Washington State when you renew your driver’s license or identity card. You can also register by phone or on the Internet. A red heart symbol will show on your card that you are an organ and/or tissue donor. Be sure to tell your family and doctor that you are an organ/tissue donor, and also include this important information in your letter of Final Instructions. *See the listings under “Organ and Tissue Donation” in Resources at the end of this section.*

Death with Dignity Act

What Is the “Death with Dignity Act”?

The Washington Death with Dignity Act allows a “qualified” terminally ill adult who wants the option to end his or her life to request life-ending medication from a medical doctor in Washington. “Terminally ill” means you have fewer than six months to live.

Who Can Request This Medication?

To be a qualified patient, you must be a mentally competent adult and a Washington State resident. You must be diagnosed by two medical doctors (usually your primary care or “attending” doctor, and a second “consulting” doctor) to have fewer than six months to live. Finally, you must be able to take the drug yourself, and voluntarily state your wish to die both verbally and in writing.

How Do I Make Requests for the Medication?

If you are a qualified terminally ill patient, you must verbally ask your attending doctor two times before you can receive a prescription for life-ending medication. The second request must be at least 15 days after the first request. Any time after you have seen both the attending and consulting doctors, you must also complete a “Written Request for Medication” form, which must be signed by two witnesses and given to your attending doctor.

After the 15-day waiting period ends, and at least 48 hours has passed since you gave the written request to your attending doctor, your doctor can write the prescription for life-ending medication. *For more information on procedures and for the Written Request for Medication form, see listings under “Death with Dignity Act” in Resources at the end of this section.*

Does My Doctor or Pharmacist Have to Participate, or Be with Me, When I Take the Medication?

No, health-care providers are not required to provide prescriptions or medications to qualified patients. They are also not required to be with you when you take the medication. *To find a supportive hospital or health system in Washington, see the “Death with Dignity Act (Hospital Policies)” link listed under “End of Life Washington” in Resources at the end of this section.*

Who Should I Tell About My Decision?

That is a very personal choice. Your doctor does not have to tell anyone about your decision. However, your doctor must recommend that you tell your family and friends. *For issues to consider, see the publication “Talking to Your Family About Dying,” by End of Life Washington under “Death With Dignity Act” in Resources at the end of this section.*

Will My Life Insurance or Annuity Policy Be Void If I Take the Life-Ending Medication?

No, the Death with Dignity Act states that if you are a qualified terminally ill patient and you take life-ending medication, it will not affect your life insurance, health insurance, accident insurance or annuity policy.

What Else Should I Know?

Finding two doctors who are willing to participate can be difficult, especially if you live in Central or Eastern Washington. Getting a prescription usually takes from four to six weeks after you have received the diagnosis of terminal illness from two doctors.

Resources

Communicating Your Wishes

- **Begin the Conversation:** Offers conversation tips and tools to help you create your advance care directives. Publications listed below are linked at the bottom of the homepage.
Online: www.begintheconversation.org
 - *Begin the Conversation Toolkit*
 - *Advanced Care Planning Workbook*
- **The Conversation Project:** Tools to help people think and talk about their wishes for end-of-life care.
Online: <http://theconversationproject.org/starter-kit/intro/>
- **People’s Memorial Association (PMA):** A nonprofit organization providing education and consumer information about cremation and burial, organ donation, and low-income programs.
By phone: 1-866-325-0489 (toll-free)
Online: www.peoplesmemorial.org; under “Funeral Education” click “Planning Info”
- *See the Planning for the Future chapter of this Handbook.*

Death with Dignity Act

- End of Life Washington publications:
By phone: 1-877-222-2816 (toll-free)
Online: www.endoflifewa.org/documents/
 - *An Overview of the Washington Death With Dignity Act*, under “Death With Dignity Act”
 - *Death with Dignity Act (Hospital Policies)*, under “Quick Links” at right
 - *Written Request for Medication to End My Life in a Humane and Dignified Manner*, under “Death With Dignity Act”
 - *Talking to Your Family About Dying*, under “Advance Planning”
- Washington State Department of Health (DOH) website: Includes information about the law, forms, and frequently asked questions.
By phone: 1-800-525-0127 (toll-free)
Online: www.doh.wa.gov/dwda

Funerals and Planning

- End of Life Washington publications:
By phone: 1-877-222-2816 (toll-free)
Online: www.endoflifewa.org/documents/
 - *Designated Agent for Funeral Arrangements*; under “After Death and Funeral Documents”
 - *Disposition Authorization*; under “After Death and Funeral Documents”
 - *Letter to My Physician*; under “Death With Dignity Act”
- Federal Trade Commission (FTC) publications:
By phone: 1-877-382-4357 (toll-free)
Online: www.consumer.ftc.gov/blog/planning-funeral-know-your-rights
 - *Paying Final Respects: Your Rights When Buying Funeral Goods and Services*
 - *Shopping for Funeral Services*
- Honor My Wishes: Body Disposition Authorization, advance directives and other forms.
Online: www.honormywishes.org; click on “The Guidebook,” then on “Forms”
- People’s Memorial Association (PMA): A nonprofit organization providing education and consumer information about cremation and burial, organ donation, and low-income programs.
By phone: 1-866-325-0489 (toll-free)
Online: www.peoplesmemorial.org

Organ and Tissue Donation

- Life Center NW Organ Donor Program: Organ donation information and registration (a.k.a. Donate Life Today).
By phone: 1-877-275-5269 (toll-free)
Online: www.lcnw.org

- Washington State Department of Licensing (DOL): Tell the DOL that you want to be a donor when you apply for your driver's license, instruction permit, or identification card.
Online: www.dol.wa.gov/driverslicense/organdonor.html

Veterans' Burial and Benefits

- U.S. Department of Veterans Affairs: Information for veterans about burial and memorial benefits.
By phone: 1-800-827-1000 (toll-free)
Online: www.cem.va.gov
- WA State Department of Veterans Affairs (WDVA): Information about Washington State Cemetery for Veterans, preregistration and interment forms. For information by county, go to the website and click on "Main Menu" at upper left, then "Benefits," then "County Services Map," then click on your county.
By phone: 1-800-562-2308 (toll-free)
Online: www.dva.wa.gov

Life and Death Planning – A Checklist

Here is a checklist of legal documents discussed in this chapter that you may want to prepare, and a list of important papers to organize. It is helpful to keep all your legal documents and important papers in one location and tell someone – such as your designated agent – where you keep it. You may want to include with your papers a copy of “*After a Death Occurs – A Checklist*,” which you can find in the Dealing with Death chapter of this Handbook and on the Legal Voice website at www.legalvoice.org; click on “Tools & Resources,” then “Wills, Estate Planning, & Death.”

Documents to Prepare Regarding Your Estate:

- Designated Agent – Choose someone to take care of responsibilities immediately after your death.
- Will – Prepare a document naming Beneficiaries and Personal Representatives; probate assets are distributed through Superior Court.
- Durable Power of Attorney for Financial Matters – Prepare a Limited or General Power of Attorney for the handling of your finances, to take effect if/when you become mentally disabled.
- Trust Agreement – Prepare a Trust Agreement or Will naming Beneficiaries and Trustees, and the non-probate assets that will be distributed outside court.
- Key Contacts – Make a list of the names and contact information for closest family and friends, lawyers, accountants, doctors, etc. (Label them: “sibling,” “friend,” “attorney,” etc.)
- Letter of Instructions – Prepare a Letter of Instructions that identifies the location of your List of Key Contacts and Important Papers, and spells out immediate responsibilities regarding your home, your bills, your pets, your funeral/burial/cremation, etc.

Documents to Prepare Regarding Your Health Care and End-of-Life Care:

- Durable Power of Attorney for Health Care – Choose someone to make decisions about your health care and end-of-life care if you are unable to make those decisions yourself.
- Mental Health Advance Directive – Generally, for people with mental illness. Write directions about mental-health treatment you want or don’t want, and directions about your personal affairs. You can also choose someone to make these decisions for you when you cannot.
- Living Will (Health-Care Directive) – Write a description of your end-of-life wishes; deliver it to your doctor and spouse/family.
- Physician’s Orders for Life-Sustaining Treatment (POLST) – Get orders from your doctor regarding the life-sustaining treatment you want or don’t want. The bright green form should be posted in a visible location. Intended for first responders.
- Death With Dignity Process – If you choose, make arrangements with doctors and pharmacists so you can get life-ending medication when you have fewer than 6 months to live.
- Organ Donation – If you choose, arrange to donate organs and tissues at your death.

Important Papers to Organize:

- Wills
Notes: _____
- Trust agreements
Notes: _____
- Deeds and titles
Notes: _____
- Mortgage documents and promissory notes
Notes: _____
- Vehicle titles and registrations
Notes: _____
- Insurance policies (funeral insurance, life insurance, health insurance, accident insurance, long-term care insurance, dental insurance, property insurance, etc.)
Notes: _____
- Usernames and passwords for Internet accounts
Notes: _____
- Financial accounts (names and account numbers for bank accounts, brokerage accounts, stocks and bonds, annuities, credit and debit card accounts, safety deposit box documents and keys)
Notes: _____
- Other financial records (retirement, annuity and pension records, tax returns, financial statements, contracts, etc.)
Notes: _____
- Legal papers (powers of attorney, adoption and divorce papers, prenuptial agreements, military service papers, social security records, citizenship records, passports, proof of intent to donate organs, business licenses, etc.)
Notes: _____
- Other: _____



CHAPTER 5

Dealing With Death

After a Death Occurs – A Checklist

Here is a checklist of important things to do when someone close to you dies in Washington State. This checklist is also available on the Legal Voice website as its own publication, separate from this Handbook.

This can be a very overwhelming and emotional time. It is a good idea to read this checklist before a death occurs, in order to plan and understand the practical steps of this difficult process.

It is also helpful to keep all the important information in one location and tell someone where you keep it.

The words “deceased” and “decedent” mean “the person who died.” “Estate” is the property belonging to the person who died.

1. Immediate Steps

- Call 911 right away if there is an unexpected death in your home. The medical team will help you figure out the next steps. If the deceased was receiving hospice care, call the hospice.
- If a death is expected to happen soon, call your doctor or your hospice to discuss what to do when or if a death happens in your home.
- Most deaths occur in hospitals and other places such as nursing homes. Talk to the staff about their process.
- Contact close family and/or friends of the deceased, the deceased’s doctor (if a hospice is not involved), and the deceased’s lawyer, if any. If the deceased cared for dependents (for example, grandchildren), make arrangements immediately for their care.
- Look for any written instructions (sometimes called a “Letter of Instruction,” “Final Instructions” or “Disposition Authorization”) for funeral or memorial service arrangements, and burial or cremation arrangements. Also look to see if the deceased named a “Designated Agent” to take care of those arrangements (sometimes this is included in the deceased’s Advance Directive documents such as in their Durable Power of Attorney for Health Care, or in a Living Will). If not found, ask close friends, the deceased’s doctor or the deceased’s lawyer if they know where these instructions are. Also, look for any pre-paid services, such as burial services or cremation. *For more information about who is responsible under Washington State law for these after-death arrangements, see the “Funerals, Burials, and Cremation” section of this chapter.*

- ❑ Look for records of the deceased person’s desire to donate organs or tissue (usually noted on a Washington State driver’s license with a red heart symbol or the word “Donor,” or mentioned in the deceased’s “Final Instructions”). Give this information to the deceased’s doctor or hospice immediately (or before the death, if possible).
- ❑ If you are the named “Designated Agent” (or if none, you are the person allowed by Washington State law to automatically be the Designated Agent), you should arrange for funeral or memorial services, and burial or cremation. Washington State usually requires embalming if the body will be held or transported more than 24 hours after death.
- ❑ For more information about Designated Agents and after death arrangements, *see the “Funerals, Burials, and Cremation” section of this chapter. Also, see the listings under “Funerals, Burials, Cremation and other Information” in Resources at the end of this checklist.*
- ❑ Death Certificates: You can order certified copies of the death certificate from the funeral director. Often you can get them from the local Department of Health office in the county where the death occurred, or from the Washington State Department of Health.
- ❑ Generally, you will need one certified copy of the death certificate for each major asset, such as cars, land, or bank accounts, for which you will need to transfer ownership. You may also need a certified copy for items such as life insurance policies, veterans’ survivor benefits, and annuities. Certified copies are expensive (approximately \$20- \$32 each, plus fees). Ask if a non-certified photocopy is allowed, or if the company would return the original certified copy to you so you could use it later.

2. Next Steps – Locate Important Papers

Find the deceased’s important papers and documents as soon as possible. If necessary, ask close family, friends, or the deceased’s doctor or lawyer if they know where these important papers can be found, and the location of a bank safety deposit box, if any.

- ❑ **Safety Deposit Box** – In Washington State safety deposit boxes in banks of the deceased are not sealed after a death. Anyone who has legal access still has the right to open the safety deposit box. Important documents such as a Will and “Final Instructions” letter might be stored there. *To learn what to do if no one is available with legal access to the safety deposit box, see the listings under “Estate Administration, Safety Deposit Box Access, and other Legal Help” in Resources at the end of this checklist.*
- ❑ **The Will** – First, find out if the deceased left a Will and/or a Trust.

If there is a Will, notify the Personal Representative named in the Will (and the Trustee, if named in a Trust) right away. The Personal Representative is responsible for taking care of the deceased’s estate and for following the terms of the Will, while the Trustee is responsible for managing the Trust. Sometimes the Personal Representative is called the “Executor” or “Executrix.”

In Washington, a valid and signed Will must be filed with the Superior Court, usually in the deceased’s county of residence, within 30 days of the death. This is an extremely important step to complete if there is a Will.

If there is a Will and/or Trust, give all of the important papers to the Personal Representative and/or Trustee as soon as possible.

If there is no valid Will, the court will administer the estate according to Washington State law.

See the “Probate and Estate Administration” section of this chapter for more information, including what happens when there is no valid Will. For other resources about wills, estate administration, probate, and other legal help, see the listings under “Estate Administration, Safety Deposit Box Access, and other Legal Help” in Resources at the end of this checklist.

- **Other Items** – Locate other important papers and documents as soon as possible, such as:

Deeds, Titles and Promissory Notes/Loans

- Real Estate Property deeds (including any recent appraisals)
- Mortgage documents (including promissory/loan notes)
- Other Promissory or Loan notes (including loans owed to the deceased)
- Vehicle titles and registrations (car, boat, RV, etc.)
- Membership certificates

Insurance Policies

- Life insurance (including premium payment records)
- Accidental life insurance
- Veterans’ insurance
- Employers or pension insurance
- Funeral insurance (or other death-related benefit plans)
- Mortgage and/or credit insurance
- Credit card insurance (for balances)
- Health insurance (including Medicare or Medicaid, “Medigap” insurance, private health insurance, dental, and Long Term Care insurance)
- Property insurance (homeowners/renters insurance, car insurance, etc.)
- Workers’ compensation insurance (and payment records)

Financial Accounts

- Including most recent statements for all accounts, and the list of Beneficiaries, if any.
- Bank accounts - checking, savings, CD’s, etc.
- Investment/brokerage accounts, IRA’s, 401(k)’s, etc.
- Stocks and bonds
- Annuities
- Credit and debit card accounts
- User names and passwords for any online accounts
- List of safety deposit boxes, where to find keys, and names of authorized users

Other Financial Records

- Survivor annuity benefit papers
- Employer/retirement benefit (pension) plans, pension/profit-sharing plans, etc.
- Veterans’ benefit records
- Disability payment documents (State, Veterans’, etc.)
- Income statements for the current year (Social Security, pension, IRA’s, annuities, employment and other income records)
- IRS income tax returns (for the current and previous year)

- IRS gift tax returns (if any, for all years)
- Property tax records and statements
- Business interests held, financial statements and agreements, contracts, etc.
- Loan papers
- Other – investment records, etc.

Legal Papers

- Will and/or Trusts
- Deceased's Final Instructions, Disposition Authorization, and/or Designated Agent forms (sometimes included in an Advance Directive such as a Durable Power of Attorney for Health Care, or in a Living Will)
- Pre-paid funeral contracts
- Organ/tissue donation record
- Social Security card (or number)
- Birth certificates (of all family members)
- Marriage license or certificate
- Military service papers, including discharge records
- Domestic Partnership Registration
- Court documents for adoptions and divorce (including any property settlement agreements, name changes, prenuptial agreements, etc.)
- Community Property Agreements
- Driver's license
- Passport, citizenship, immigration and/or alien registration papers

Personal Information

- Names and contact information of closest family and friends
- Names and contact information of all lawyers, accountants, doctors, etc.
- Family Tree, if available (especially if there is no Will)
- User names and passwords for online accounts (including email accounts, financial records, social media accounts, etc.)
- Passwords to access computers, cell phones and other electronic devices

3. Practical Steps and Information

- Make a list of regular bills to have as a reminder. Be sure to note if any are on automatic payment plans and note when payments are due.
- Give all unpaid bills to the Personal Representative (if any) to be paid.
- Some examples of bills to locate:
 - Utility bills (electric, heating, telephone and/or cable TV, Internet, cell phones, water/sewer/garbage, etc.)
 - Long-term debts (home mortgages, bank line of credit, car loans, etc.)
 - Rental payments (home, apartment, assisted living, or nursing home, etc.)
 - Credit card bills
 - Insurance bills (health, Long Term Care, homeowner's, car, life insurance, etc.)
 - Property tax bills (if paid separately and not included in home mortgage)

- Access to bank accounts: If you are a co-signer or have a joint account with the deceased, you should be able to use some of the money in the account to pay the regular bills of the deceased. Keep detailed records of all the bills you pay and any withdrawals of cash from the account.
- ❑ If there are no joint owners or co-signers, you cannot access the deceased's bank account until a Personal Representative is approved by a court process. Then, the Personal Representative usually is able to access the accounts to pay bills, etc. *For more information, see the "Probate and Estate Administration" section of this chapter.*
- ❑ Power of Attorney: If you were the holder of a Power of Attorney (sometimes called an "attorney-in-fact" or the "agent") for the deceased, your authority to act under the Power of Attorney ends at the time of death. The only exception to this is if you were also listed in the Power of Attorney as the deceased's "Designated Agent" for after-death arrangements. In this case, you will have the authority to make funeral or memorial arrangements as well as burial or cremation arrangements.
- ❑ Check and take care of the deceased's home, property, and pets, if necessary. Put valuables (cash, jewelry, collectible items) in a safe place. Be sure the house is locked, if no one is home.
- ❑ Contact the Post Office (listed in the telephone directory as United States Postal Service) with forwarding information, if necessary. Stop all deliveries of unneeded newspapers and home care services (such as meal delivery or nursing services), and cancel any appointments for doctors, dentists, etc.
- ❑ Email Accounts: Keep all email accounts open for at least several months if at all possible, because important correspondence (including bank statements, etc.) might be accessible only through email accounts. You will need to locate the User Name and Password for each account.
- ❑ Cancel services that are no longer needed (such as cell phones, Internet, or cable TV). Do not cancel utilities, as they may still be needed.

4. Notification of Death (and Check for Benefits)

Once you have notified all close family and friends, the deceased's doctor and lawyer (if any), and the Personal Representative and/or Trustee (if one is named in a Will and/or Trust), you (or the Personal Representative) should give notice of the death as soon as possible to the agencies and companies listed on the following pages.

At the same time, you (or the Personal Representative) should check and apply for any death benefits or survivor benefits from these organizations. This is money paid after a death to the person or persons named as "beneficiary." A "beneficiary" is a person who receives money or property, such as from the deceased's life insurance policy, retirement pension, or annuity.

It can take two or more months for benefits to arrive, so be sure to start soon. Call these offices to find out their requirements, such as sending a certified copy of the death certificate. Make a note with the date you made your calls, and write down what is required as a reminder of what you need to do.

Contact information for many of these offices is listed under "Notification of Death (and Check for Benefits)" in Resources at the end of this checklist.

Here is a list of some agencies and companies to notify:

Social Security: You must notify the Social Security Administration of the death, and apply for any possible Social Security death benefits and survivors' benefits. Many funeral homes will report the death to Social Security, but you will still need to contact the Social Security yourself as soon as possible, to check and apply for benefits. You will need the deceased's Social Security number and date of birth. The Social Security office automatically notifies Medicare of the death. If the deceased was receiving Social Security payments, the payment for the month of the death must be returned to Social Security. Contact the deceased's bank to return the full month's payment as soon as possible. Social Security will then send a new payment adjusted to reflect the date of death. *For information on Social Security and survivors' benefits, see the Financial Benefit Programs chapter in this Handbook.*

Date and Notes: _____

Landlord, Assisted Living, Nursing Home, or Other Rental: If applicable, notify the deceased's landlord, rental agency, or administration office (for Assisted Living or Nursing Home) as soon as possible, to discuss lease or rental agreements, and important moving out dates, if necessary. Ask about the possible return of the deceased's security deposit.

Date and Notes: _____

Insurance Companies: Contact all the insurance companies on the list you made from the deceased's records. This includes policies that might pay death benefits to the beneficiary or beneficiaries named in the policy (such as life insurance or annuities). Contact an insurance company if you see its policy might pay for account balances (such as for mortgages, credit cards or other loans).

Date and Notes: _____

All Other Insurance Companies (property insurance, health and dental insurance, long-term care insurance, etc.): Notify each of the death so that the policy can either be changed or canceled. Ask for any unused premium to be returned to you.

Date and Notes: _____

Employee Pensions and Benefits: If you are listed as the employee's beneficiary, contact the deceased's employer and ask about any possible death benefits, retirement annuity or pension plans, and life and health insurance coverage. Unions and other professional organizations may provide benefits also. Note: Sometimes you must return the deceased's final monthly pension payment to the pension company before they send a new, adjusted payment. If the deceased was employed, notify the employer.

Date and Notes: _____

Veterans' Affairs: If the deceased was a veteran, notify the VA to ask about possible death and burial benefits, and also for survivors' benefits. *For information about Veterans' survivors' benefits, see the "Veterans' Benefits" section in the Financial Benefit Programs chapter in this Handbook.*

Date and Notes: _____

Banks, Financial Institutions, and Credit Card Companies: If you were a co-signer or had a joint account with the deceased, you must notify the bank or other financial institutions (including credit card companies) of the death. For joint accounts “with the right of survivorship,” the survivor owns all of the money in the account, but you still must notify the bank of the death.

Date and Notes: _____

Office of Financial Recovery (OFR): If you are the Personal Representative or you are responsible for the deceased’s estate, you must send notification of the death to Washington State’s Office of Financial Recovery (OFR). Notification is required for any possible “Estate Recovery” which might be due if the deceased (or deceased’s spouse) had certain long-term care medical services paid by Medicaid and Washington State. *For more information, see the memo “Estate Recovery for Medical Services Paid for by the State” listed under “Estate Administration, Safety Deposit Box Access, and other Legal Help” in Resources at the end of this checklist*

Date and Notes: _____

Washington State Department of Revenue (DOR): The DOR must be contacted if the deceased had either:

- A small business and owes any Washington State business taxes, or
- A very large estate (with \$2 million or more in assets) and owes estate tax.

See the “Small Business Guide” by the Department of Revenue for information about closing or changing a business after a death occurs. Also see the “Probate and Estate Administration” section of this chapter for more information about paying other taxes and debts, such as IRS taxes and estate taxes. See Resources at the end of this checklist.

Date and Notes: _____

Washington State Department of Labor & Industries, Crime Victim’s Compensation Program: Contact this agency for help and possible benefits if the death was the result of a criminal act.

Date and Notes: _____

Washington State Department of Labor & Industries: Notify this agency for possible Workers’ Compensation benefits if a job-related injury or illness caused the death.

Date and Notes: _____

Credit Bureaus: It is recommended to notify the three major credit bureaus of the death, to help avoid possible identity theft. These are Equifax, Experian, and TransUnion.

Date and Notes: _____

5. Final Steps

See “Funerals, Burials, and Cremation” and “Probate and Estate Administration” sections in this chapter for your next steps. The “Probate and Estate Administration” section includes information about paying the deceased’s debts, bills and taxes, and explains how the deceased’s assets are transferred.

Feedback

We hope this checklist has been helpful. If you have any feedback regarding this checklist or the information provided, please send an email to info@legalvoice.org. Your feedback helps us improve our materials and keep information up to date. Thank you.

Resources

General Resources

- *After a Death Occurs – A Checklist*, by Legal Voice: This checklist is also available as its own publication, separate from this Handbook, and is updated more frequently.
Online: www.legalvoice.org; click on “Tools & Resources,” then “Wills, Estate Planning, & Death”
- Nolo.com: Legal information and publications for Personal Representatives (“Executors”) and others about settling estates, probate, and much more.
Online: www.nolo.com/legal-encyclopedia/executor-probate
- WashingtonLawHelp: Legal self-help information and resources for seniors, including dealing with death and probate issues.
Online: www.washingtonlawhelp.org/issues/aging-elder-law/wills-probate-other-advanced-directives

Funerals, Burials, Cremation and Other Information

- Federal Trade Commission (FTC): Free publications (both also available in Spanish)
By phone: 1-877-382-4357 (toll-free) Eastern Time
Online: www.consumer.ftc.gov/blog/planning-funeral-know-your-rights
 - *Paying Final Respects: Your Rights When Buying Funeral Goods and Services*
 - *Shopping for Funeral Services*
- People’s Memorial Association (PMA): A Washington State non-profit organization providing education, consumer information and legal resources about cremation, burial, and other issues after a death occurs.
By phone: 1-866-325-0489 (toll-free)
Online: www.peoplesmemorial.org/funeral_education/ (click on “Links & Resources” at right for legal resources and more)
- Washington State Attorney General’s Office: Information on dealing with death, including funerals and consumer protections, death certificates, state laws and rules.
By phone: 1-800-551-4636 (toll-free; in-state only) or 206-464-6684
Online: www.atg.wa.gov/dealing-death

Death Certificates

- Washington State Department of Health, Center for Health Statistics:
This office will give you the contact information for the local Department of Health in the county where the death occurred. If the death occurred three or more months ago and the death certificate is no longer available at the local Department of Health office, you can apply directly to this office.
By phone: 360-236-4300 or 1-800-525-0127 (toll-free)
Online: www.doh.wa.gov/LicensesPermitsandCertificates/BirthDeathMarriageandDivorce
- Public Health Seattle & King County, Vital Statistics: For death certificates, if the death occurred in King County.
By phone: 206-897-4551 or 1-800-325-6165, ext. 6-4768 (toll-free)
In person: 908 Jefferson St, 2nd Floor, Seattle WA 98104
Online: www.kingcounty.gov/healthservices/health/vitalstats/death.aspx

Notification of Death (and to Check for Benefits)

- Credit Bureaus: Send a copy of the deceased's Death Certificate to each of these three credit bureaus, to help avoid identity theft:
 1. Equifax
By phone: 1-888-766-0008 (toll-free)
By mail: PO Box 105139, Atlanta, GA 30348
Online: www.equifax.com
 2. Experian
By phone: 1-888-397-3742
By mail: PO Box 4500, Allen, TX 75013
Online: www.experian.com
 3. TransUnion
By phone: 1-800-680-7289
By mail: PO Box 2000, Chester, PA 19022
Online: www.transunion.com
- Office of Financial Recovery, DSHS: For legally required notification of a death in Washington State. Send notice of death (including the deceased's Social Security number and copy of death certificate), by certified mail with return receipt requested. For more information, see the Columbia Legal Services publication *Estate Recovery for Medical Services Paid for by the State* (listed on the next page under "Estate Administration...").
By phone: 1-800-562-6114 (toll-free)
By mail: PO Box 9501, Olympia, WA 98507-9501
Online: www.dshs.wa.gov/esa/dcs-office-financial-recovery/office-financial-recovery
- Social Security Administration: For notification of death and to check for benefits, either by phone or in person at a local Social Security office.
By phone: 1-800-772-1213 (toll-free) Eastern time; TTY: 1-800-325-0778
In person: Call for the location of your local Social Security office.
Online: www.socialsecurity.gov/survivors/ (for information only; you cannot report a death or apply for benefits online)

- Veterans Affairs: For notification of death and to check for benefits (or contact the Washington State Department of Veterans Affairs – see next listing).
By phone: 1-800-827-1000 (toll-free) Eastern time
Online: www.va.gov/opa/persona/dependent_survivor.asp
- Washington State Department of Veterans Affairs: For information on Death Benefits and Survivor Benefits for Veterans.
By phone: 1-800-562-2308 (toll-free)
Online: www.dva.wa.gov/i-am-survivor
- Washington State Department of Labor & Industries (L&I): Contact immediately if death was due to work-related illness or injury.
By phone: For claims, call 1-800-LISTENS (1-800-547-8367) (toll-free);
to report workplace fatalities, call 1-800-4BE-SAFE (1-800-321-6742) (toll-free)
Online: www.lni.wa.gov/Safety/TrainingPrevention/Help/ReportFatalityHospitalization.asp
- Washington State Department of Labor & Industries (L&I) Crime Victim’s Compensation Program: Contact for help if death was due to a crime.
By phone: 1-800-762-3716 (toll-free); TTD: 360-902-5797
Online: www.lni.wa.gov/ClaimsIns/CrimeVictims/Homicide
- Washington State Department of Revenue (DOR): Contact DOR if the deceased owes any Washington State taxes (such as business-related taxes or estate taxes, if applicable).
By phone: 1-800-647-7706 (toll-free) (for business taxes); 360-534-1403 (for Estate taxes)
Online: www.dor.wa.gov
 - *Small Business Guide*: Includes information on closing a deceased’s business. Go to the DOR website, click on “Doing Business,” then click on the guide’s title under “More Information”

Estate Administration, Safety Deposit Box Access, and other Legal Help

- *Dealing With the Death of a Loved One*, by Estate Planning Council of Seattle: Also of interest is *The Fiduciary’s Handbook*, and the *Guide to Estate Planning*. All are available to view online, or you can purchase a hard copy.
By phone: 206-504-4968
Online: www.epcseattle.org/cat/publications1.cfm
- *Estate Recovery for Medical Services Paid for by the State*, Columbia Legal Services
Online: www.washingtonlawhelp.org; in the search box at the top of the web page, type the publication’s title, then click on that title in the search results.
- *See the “Estate Administration” section of this chapter as well as the Legal Help chapter of this Handbook.*
- Sound Generations, Seniors Rights Assistance program: For King County seniors. Call or check online for a list of King County probate lawyers and other consumer issues for seniors.
By phone: 206-448-5720 or 1-800-972-9990 (toll-free)
Online: www.seniorservices.org/financiallegalprograms/SeniorRightsAssistance.aspx

- Washington Probate website, by Richard Wills, Esq.: This website gives detailed information to help understand Estate Administration, the probate process, and what forms are needed.
Online: www.wa-probate.com
 - Gaining access to a safety deposit box:
www.wa-probate.com/Instructions/Opening/Access-Safety-Box.htm
 - If the person did not leave a Will:
www.wa-probate.com/Instructions/Opening/Opening.htm#Petitioning
- Washington State Bar Association: Legal resources and information for the public. Includes local lawyer referral services for all WA counties, referral program for discounted legal help for moderate income (“Moderate Means Program”) and free legal help for lower income residents, tips on finding lost wills, etc. Also legal memos (Probate, Wills, Trusts), located online in the “Consumer Information” tab.
By phone: 1-800-945-9722 or 206-443-9722
Online: www.wsba.org/the-public

Grieving

- People’s Memorial Association (PMA): Maintains a resource list for grief support.
By phone: 1-866-325-0489 (toll-free)
By email: info@peoplesmemorial.org
Online: www.peoplesmemorial.org/grief-support.html

Funerals, Burials, and Cremation

Who Is Responsible for After-Death Arrangements?

After the death of someone close to you, it is important to look immediately for any written instructions the deceased might have left. They are sometimes called a “Letter of Instruction” or “Final Instructions,” or may be included in a Living Will/Health Care Power of Attorney form. These instructions may name a “Designated Agent” for after-death arrangements and give burial or cremation plans. Look, too, for burial insurance contracts or prearranged funeral contracts with a funeral home or memorial association. Check for any other evidence of prepaid funeral, burial, or cremation services. By Washington State law, any funeral plans made in advance by the deceased must be followed, as long as the cost of following those plans doesn’t exceed a reasonable amount.

If the deceased left no after-death written instructions naming a Designated Agent, and you are the surviving spouse or state-registered domestic partner, Washington law gives you the right and the duty to make the after-death arrangements (such as burial or cremation) for your loved one. You also must pay for these services if the deceased’s estate is not able to pay for them.

If the deceased did not name a Designated Agent, and does not have a surviving spouse or state registered domestic partner, Washington State law makes arranging and paying for these after-death services the responsibility of the deceased’s relatives in this order: the majority of the surviving adult children; if none, then the surviving parents; if none, then the majority of the surviving siblings. If there are no family members in these categories, responsibility rests with any guardian whose court appointment is in effect when the deceased dies.

What After-Death Arrangements Need to Be Made?

If the deceased did not choose a funeral home, and you are the person authorized to make these after-death decisions, you will need to choose a funeral home as soon as possible. Funeral services can be very expensive, so you may want to compare prices. The “Funeral Rule,” enforced by the Federal Trade Commission (FTC), requires funeral directors to give you itemized prices by phone, and if you meet in person, prices must be confirmed in writing if you request. The funeral home must also give you the total cost of all the services and funeral goods you have chosen. The FTC has an excellent booklet, “Shopping for Funeral Services,” and a shorter version as well, “Paying Final Respects: Your Rights When Buying Funeral Goods and Services.” *See Resources at the end of this section for how to get free copies of these FTC booklets.*

What kind of funeral services you choose should depend on the deceased’s religious, cultural preferences, and personal preferences, as well as costs. There are three basic types:

- **Full-Service Funeral:** Often called a “traditional” funeral, this is the most expensive type, usually with embalming required for visitation or viewing, a funeral ceremony and/or graveside service, a hearse for transportation, and burial or entombment of the casket at a cemetery.
- **Direct (or “Simple”) Burial:** Occurs when burial is completed soon after death so no embalming is necessary, and the costs are usually less. A graveside service can be held at the cemetery, or a memorial service can be held later at another location.
- **Direct Cremation:** Remains are cremated, and the ashes are placed in a container such as an urn. The ashes can be placed in a niche in a cemetery, kept at home, or scattered at a place you choose. (Some legal restrictions may apply. *See Resources at the end of this section.*) A memorial service can be held at any time or place. Cremation usually is the least expensive choice.

Embalming is not necessary or required if a direct burial or cremation happens shortly after death. Embalming usually is required if you choose a viewing or visitation in a full-service funeral. Embalming is also required in Washington if the body will be held or transported for more than 24 hours after death, without refrigeration.

Choosing a cemetery and/or mausoleum is also necessary for burials. The FTC's Funeral Rule covers only funeral-related costs, but not cemetery-related costs. You should ask for all prices in writing, including not only the cost of the cemetery plot, but also additional costs such as grave liners, if required, fees for opening and closing the grave or crypt, as well as "perpetual care" costs.

Veterans and their spouses and dependents usually qualify for free burial in a veterans' cemetery, with a free grave marker and burial flag. Funeral home expenses and transportation to the cemetery must be paid by the deceased's estate or family. Veterans, their spouses or registered domestic partners, and their dependent children who die without leaving enough money to cover funeral expenses may qualify for a free burial paid by their county. *See Resources at the end of this section for contact information.*

The Washington State Funeral Directors Association and the People's Memorial Association may also help you in making decisions at this difficult time. If you have any problems or complaints about funeral homes, contact either the Federal Trade Commission (FTC) or the Washington State Attorney General's Consumer department. *See Resources at the end of this section for contact information.*

What Are My Next Steps?

After a funeral home has been chosen, the funeral director can help you with the rest of the funeral arrangements. The deceased's body must be transported as soon as possible from the place of death to the funeral home, so that preparations can begin for either burial or cremation. You can order certified copies of the death certificate from the funeral director. The funeral director can also help with many other funeral details (such as arranging for music or flowers, newspaper announcements, providing funeral escort services, etc.), but be sure to ask for all of the costs in writing for these services.

If the deceased did not prepay for any funeral services, or if the prepaid amount is not enough to pay for the service you or the deceased chose, the funeral home will ask you to sign a contract. If there is not enough money left in the deceased's estate to pay for these funeral costs, you will have to pay for the costs yourself, though Washington law may allow some reimbursement from the deceased's relatives. Be sure that the contract has in writing what the total cost from the funeral home will be, and that you understand all of the services and charges.

See Resources at the end of this section for more information. Also see the "After a Death Occurs – A Checklist" section of this chapter for a list of practical steps and information when someone close to you dies, including locating all the important papers, notification of death, and checking for death benefits.

Resources

Funerals

- Federal Trade Commission (FTC): Offers a series of articles on shopping for funeral services, including information about the “Funeral Rule” and other free consumer information. You can also file a complaint about funeral issues.
By phone: 1-877-382-4357 (toll-free); TTY: 1-866-653-4261 (toll-free)
Online: www.consumer.ftc.gov/articles/0070-shopping-funeral-services (for a print copy, click “Need the complete guide?” in the “Related Items” box to the right of the article)
- People’s Memorial Association (PMA): A non-profit organization providing education and consumer information about cremation and burial.
By phone: 206-325-0489
By email: info@peoplesmemorial.org
Online: www.funeralinformation.org
- Washington State Attorney General’s Office: Resource page includes links to the WA Department of Health (for death-certificate ordering information), the FTC (link to their funeral guide), state laws and rules, etc.
By phone: 1-800-551-4636 (toll-free; Washington State only) or 1-206-464-6684 (out-of-state callers); TTY: 1-800-833-6388 (toll-free)
Online: www.atg.wa.gov; go to “Protecting Seniors,” and then “Dealing with Death”

Related Information

- AARP: Resources for grieving family members.
By phone: 1-888-687-2277 (toll-free); TTY: 1-877-434-7598 (toll-free)
By phone in Spanish: 1-877-342-2277
Online: www.aarp.org/home-family/caregiving/end-of-life/; scroll down to view articles under “Grief & Loss”
- *After a Death Occurs – A Checklist*, by Legal Voice: A list of important things to do when someone close to you dies. It is a good idea to read this checklist before a death occurs, in order to plan and understand the practical steps of this difficult process. A copy of the checklist is included in this chapter. It is also available online as a separate publication.
Online: www.legalvoice.org; click “Tools & Resources,” then “Wills, Estate Planning, & Death”

Veteran’s Burial & Benefits

- RCW (Revised Code of Washington) 73.08.070: Washington State law mandates the veterans’ assistance fund pay for burials of veterans and family members who qualify as low-income and who die without leaving enough money to cover funeral expenses. The definition of “family” includes the spouse, registered domestic partner, and dependent children of a veteran. Contact your county administrator’s office to apply.
In print: Visit your local public library or county law library (*see Legal Help chapter of this Handbook*)
Online: <http://apps.leg.wa.gov/rcw/default.aspx?cite=73.08.070>

- U.S. Department of Veteran’s Affairs: Information for veterans about burial and the dignified burial reimbursement program.
By phone: 1-800-827-1000 (toll-free)
Online: www.cem.va.gov
- *Veterans’ Assistance Fund*, by the Northwest Justice Project
Online: www.washingtonlawhelp.org/issues/government-benefits/veterans-benefits
- Washington State Department of Veterans Affairs (WDVA): Information about Washington State cemetery for veterans, pre-registration and interment forms, and easy links to the federal VA Burial Benefits website.
By phone: 1-800-562-2308 (toll-free)
Online: www.dva.wa.gov

Probate and Estate Administration

When someone dies, she or he may leave behind assets (property such as money, a house, belongings, etc.) that must be transferred to the right person or entities. It is likely that bills will need to be paid, like medical bills, mortgage payments, car payments, credit card debt, and utilities. The government may also be owed money, too (such as taxes and medical expenses paid for by the State).

This section is about settling debts and transferring assets after someone dies. We call the person who died the “decedent.” A decedent’s “estate” is the assets and debts. People who inherit the estate are the “beneficiaries.”

Any reference to “surviving spouse” or “spouse” includes both same-sex and different-sex couples who have been legally married. (*See the Family Relationships chapter for more information on legal marriage.*)

What Is Probate and Estate Administration?

Probate is a legal process to settle a decedent’s estate. Generally, this means the Superior Court will make sure the Will is legal, appoint someone to manage the estate, settle the debts, and transfer assets to the beneficiaries. Not all estates need to use probate. There are other procedures you can use to transfer assets from the decedent’s name to beneficiaries. Estate administration is a general term to refer to these “other procedures” that are not probate.

What If I Am a Native American?

The probate and succession laws are different for Native Americans. Generally, the American Indian Probate Reform Act (AIPRA) applies to Indian trust land. If an owner of Indian trust land does not want to have his or her trust share given according to the intestacy rules of AIPRA, then it is important to make a Will. *See the listings under “Native Americans” in Resources at the end of this section.*

What Is a Personal Representative?

A Personal Representative is the person appointed by the court to administer the estate (also known as an Executor or Administrator). Even if a Personal Representative is named in the Will, he or she has no legal power until the court appoints the Personal Representative. *For more information about the duties of a Personal Representative, see the first two listings under “Probate Information” in Resources at the end of this section.*

If There Is a Will or Trust

What If There Is a Will?

In general, a Will is a set of instructions for probate property. It names the beneficiaries of the decedent’s probate property. A Will also names who should serve as Personal Representative. It is important to note that sometimes all or a part of a Will is not effective (meaning it cannot be used). For example, the entire Will is not effective if it was not signed or not properly witnessed. Or part of a Will may not be effective if a beneficiary has died and no alternate beneficiary is named.

After someone dies, the Will must be filed with the Superior Court whether or not probate is needed. If you have the Will but are not named Personal Representative, you must file the Will within 30 days of death or give it to the Personal Representative within 30 days. If you are named as the Personal Representative and you have the Will, you must file it within 40 days. Since the Will must also be filed when opening a probate, it is helpful to first decide if a probate is needed. This can save money. *To learn more, go to the Washington Probate website listed under “Probate Information” in Resources at the end of this section, and click on “Is Probate Necessary?”*

What If There Is a Living Trust?

A person may have a Will, a Living Trust, or both. *(See the “Estate Planning” section in the Planning for the Future chapter for more information about living trusts.)* You should look for both documents after someone dies. The Will may transfer everything into the trust, making the trust the controlling document for any probate property and any assets transferred to the trust before death. *For more information, see “Is a Probate Needed?” and “What Are Non-Probate Assets?” later in this section.*

What If the Documents Are in a Safety Deposit Box?

Often a person stores his or her important documents, such as a Will, in a safety deposit box located at a bank. After death, you need to have the right to open the box. If your name and signature are on file with the bank or if your name is part of the safety deposit box lease, you should be able to open it. If not, you need to get a court order. *For more information on how to get a court order, see the Washington Probate website listed under “Probate Information” in Resources at the end of this section.*

If There Is No Effective Will

What Happens If There Is No Effective Will?

If the decedent did not have an effective Will, Washington State’s inheritance laws – called “laws of intestacy” – will determine who inherits the decedent’s property. *See “What If There Is a Will?” earlier in this section for information about what makes a Will effective or not effective.*

Who Inherits the Property When There Is No Effective Will?

The people who inherit the decedent’s property are called “heirs.” Heirs are living members of the decedent’s family. Generally, heirs are first a decedent’s surviving spouse or registered domestic partner, then children, grandchildren, great grandchildren, etc. (the legal term for these younger generations is “issue”), then the decedent’s parents, and then siblings, nieces and nephews, etc. *See the Intestacy Flow Charts in this section for a detailed overview of the laws of intestacy in Washington State.*

How Is the Property Divided When There Is No Effective Will?

See the Intestacy Flow Charts in this section for an outline of the laws of inheritance and how estates are divided when there is no effective Will. *Also see the “Marriage” section of the Family Relationships chapter and the “Estate Planning” section in the Planning for the Future chapter for more information about community property.*

What Do I Do If There Is No Effective Will? How Does Everything Get Done?

If there is no effective Will, you may need to petition the Superior Court to appoint a Personal Representative to manage the estate – for example to pay the bills and pass the assets on. It is a lot like probate of a Will. In fact, it is often called “probate” even though it is actually called “intestate administration.” (The word “intestate” means someone died without an effective Will prepared.)

Here we refer to intestate administration as “probate,” but will point out some important differences. For example, when there is no effective Will, the court petition is called a “Petition for Letters of Administration.” A bond is often required for the Personal Representative, and the heirs receive a share of the estate (instead of whole items or specific gifts in a Will). However, a bond is not required if the Personal Representative is the surviving spouse or domestic partner and is the only heir, nor if the Personal Representative is a bank, trust company or Washington resident whom the court finds suitable. *See “Is a Probate Needed?” later in this section. Also see Resources at the end of this section for more information.*

Who Will Be Personal Representative If There Is No Effective Will?

If there is no effective Will, the Personal Representative can be (in order of priority):

1. The decedent’s surviving spouse or any person the surviving spouse chooses; if none, then
2. The decedent’s next of kin (children, then parents, then siblings, then grandchildren, then nieces/nephews); if none, then
3. A trustee under a revocable living trust or other trust; if none, then
4. Beneficiary of a non-probate asset; and if none, then
5. Creditors.

Within 40 days of death, a petition to be appointed Personal Representative must be filed with the court. If it is not done within 40 days, then the court can decide who should be Personal Representative.

Probate Assets and Non-Probate Assets

What Are “Probate Assets”?

Probate assets are those held in the decedent’s name with no beneficiary designation. For example, real estate (except for situations described below), some stocks, bank accounts with no beneficiaries or joint owners listed on the accounts, and automobiles titled only in the decedent’s name (no co-owners) can all be probate assets. Probate assets can also include personal property, such as jewelry and antiques, or ownership in a business.

Probate assets are transferred through the court according to the decedent’s Will, and if there is no effective Will, then they will be distributed according to the laws of intestacy. For this reason, a probate procedure is usually needed to transfer the probate assets. *Exceptions to this rule are discussed under “Do I Always Need a Probate If I Have Probate Assets?” later in this section.* All probate assets are subject to creditors’ claims (debts) and should not be distributed until all claims are settled.

Real estate can be a non-probate asset in some situations, including: real estate held in joint tenancy with right of survivorship; real estate titled in a trust; real estate covered by certain community property agreements; and real estate titled with a transfer-on-death deed. *For more information, see the “Estate Planning” section in the Planning for the Future chapter.*

What Are Non-Probate Assets?

Non-probate assets are assets with named beneficiaries or assets that are held by more than one person. Some examples are “Joint Owners” of bank accounts or “Co-owners” listed on the title of an automobile, or real estate titled as “Joint Tenants with Rights of Survivorship” or “Transfer on Death.” These assets pass to beneficiaries under a contract other than the decedent’s Will or the laws of intestacy. They will pass directly to the named beneficiaries or surviving joint tenant, without needing to use probate. You will need a death certificate and sometimes an affidavit to transfer a non-probate asset.

Examples of non-probate assets include:

- Assets or property in a trust (if the assets are put in the trust’s name)
- Life insurance
- Pension plans
- 401(k) accounts
- Individual Retirement Accounts (IRAs)
- Annuities
- Pay-On-Death (POD) accounts (which can be held at banks and credit unions)
- Transfer-On-Death (TOD) assets (which can be stocks, bonds, mutual funds, and real estate if titled with a “TOD Deed”)
- Assets covered by community property agreements (*see the “Estate Planning” section of the Planning for the Future chapter for more information about TOD Deeds and community property agreements*)

What If the Will and the Non-Probate Asset Name Different Beneficiaries?

Generally in this situation, the beneficiary designation on the non-probate asset itself will control who receives the non-probate asset. This can be confusing. For example, if a bank account’s records show a family member is the beneficiary, but the Will names a charity, the family member would inherit the account.

However, if a person does not have time to change his or her beneficiary for non-probate assets – such as when he or she is very sick – a Will can sometimes be used. This is called a “Super Will” or “Super Will provision.” For this to work, it must describe the non-probate asset in detail, and it must be signed with witnesses after the original designation was made for the non-probate asset. Super Wills, though, cannot be used for all assets. For example, you cannot use a Super Will to change the beneficiary of your IRA; employee benefit plan; real estate titled as joint tenancy with right of survivorship; asset passing under a community property agreement; life insurance; annuities; and other similar contracts.

What Should I Do If I Find a Super Will?

The Personal Representative should immediately contact the company or holder of the asset described in the Super Will (*see previous question*). If there is any conflict about who gets the asset, it is best to talk to a lawyer.

When Probate Is Needed

Is a Probate Needed?

The need for a probate depends on what the estate has (assets, debts) and whether there are family issues.

The first step is to gather information about the property (including the current value) and debts, then separate assets into “non-probate assets” and “probate assets” (see “How Does Probate Work?” below). Next, decide whether debts, family issues (is there disagreement?), or any other problems (is there a wrongful death claim?) mean that a probate is needed. You do the same thing whether there is a Will or not.

If a probate is needed, a court may be necessary or helpful to process creditor claims or to resolve conflict. If the debts are the main concern, it may be possible to handle creditor claims without a probate. See “Do I Always Need a Probate If I Have Probate Assets?” later in this section.

To learn more, go to the Washington Probate website listed under “Probate Information” in Resources at the end of this section, and click on “Is a Probate Necessary?”

How Does Probate Work?

If you do need to file a probate, the steps you follow will depend on the property, debts, family involved, and whether the decedent left a Will. See the *Legal Help* chapter in this Handbook or a lawyer for more information.

- Open the case:
 - File the Will and other opening documents (cover sheet, Petition for Probate of Will) with the Superior Court.
 - If there is no Will, you file similar opening documents called Letters of Administration.
- Hearing and Letters:
 - Attend the court hearing (if required);
 - Post a bond (if required);
 - Get a court order and certified Letters Testamentary or Letters of Administration. The certified letters are proof of the Personal Representative’s authority, and you will need them to transfer assets.
- Notify all who have the right to know about the decedent’s death, including:
 - Give Notice of Appointment to heirs and beneficiaries;
 - Publish the Notice to Creditors in a legal newspaper;
 - Send the Notice to Creditors, to the Department of Social and Health Service, Office of Financial Recovery (include decedent’s social security number);
 - Send Notice of Appointment to the Washington Department of Revenue;
 - Mail Notice to Creditors to known creditors; and
 - File Form 56, Notice Concerning Fiduciary Relationship, with the IRS.
- Estate assets:
 - Collect or take control of the assets, determine the value, and keep them safe.
 - Collect and review debt claims.
- Pay valid debts and taxes: Pay valid debts in the order of priority. Payment of taxes can include these steps:
 - File decedent’s final Form 1040, Individual Income Tax Return;
 - File a Form 1041, the estate’s income tax return, if due; and
 - File state and federal estate taxes, if due.

- To close the estate, include the steps below:
 - Transfer title of the assets or pay the beneficiaries according to the Will or the laws of intestacy (*see charts later in this section*);
 - Get receipts and waivers from those who are receiving an asset;
 - Get Closing Letters from the IRS and Department of Revenue for any estate taxes paid (high value estates only); and
 - File the Declaration of Completion with the court.

For more information about these steps, see the listings under “Probate Resources” in Resources at the end of this section. Also see the Legal Help chapter of this Handbook for information on how to find legal help.

Do I Always Need a Probate If I Have Probate Assets?

Even though you have probate assets, you do not always need a probate. You may be able to use an estate administration procedure called “Small Estate Affidavit” (also called “Lack of Probate Affidavit” or “Statutory Non-probate Procedure”) to transfer assets. The court does not need to be involved with these procedures. However, even if you can use one of these procedures, other problems (such as unknown creditors, more debts than assets, fighting over property, or a question about whether an asset is community or separate property) might make a probate needed. Be sure to think about these problems before deciding which procedure to use and talk to a probate lawyer if possible. *To learn more see the information under “When Probate Is Not Needed,” below. Also see Resources at the end of this section.*

When Probate is Not Needed

What Is a Small Estate Affidavit? Can I Use It?

A Small Estate Affidavit (also called “Lack of Probate Affidavit” or “Statutory Non-probate Procedure”) is a way to transfer personal property without a probate. You can use it only for personal property of Washington residents that is valued at \$100,000 or less (minus debts and liens). A Small Estate Affidavit can also be used when a decedent was not a Washington resident, had no Will or probate, but owned personal property in Washington. This procedure cannot be used for real estate.

To use a Small Estate Affidavit, 40 days must have passed since the person died; you must be certain you are the only person who has a right to the property; and you must give written notice to anyone, including debtors, who could be entitled to the deceased’s property, and then wait at least ten days. *For more information including sample forms, see the listings under “Small Estate Affidavit” in Resources at the end of this section.*

What Is a Community Property Agreement?

A Community Property Agreement is a written contract between spouses. If it was signed and notarized before death, it may be used to avoid probate by transferring community property to a surviving spouse without using probate. It also may help a surviving spouse show he or she is entitled to a tax benefit called a “double step-up in basis” when the property is sold. *For more information on community property, see the “Estate Planning” section in the Planning for the Future chapter of this Handbook; also see the listings under “Washington State Community Property Agreement” in Resources at the end of this section.*

What Other Assets Can Be Transferred Without a Probate?

It may be possible to transfer certain assets without opening a probate even if there is no named beneficiary (and no probate for the deceased is opened anywhere else). The following assets are some examples:

- **Vehicle:** A vehicle in the decedent's name alone can often be transferred through a special affidavit called Affidavit of Inheritance/Litigation, Form TD-420-041. Contact the Washington State Department of Licensing. You must be the person legally allowed to inherit the vehicle. *See Resources at the end of this section for a link to this form.*
- **Small Accounts:** You can often collect small bank accounts (up to \$2,500 for banks and \$1,000 for credit unions) with a certified death certificate and a sworn statement. You must be the surviving spouse or state-registered domestic partner, or if none, the next of kin, and you must be legally allowed to inherit the money.
- **Unpaid Wages:** If decedent died with unpaid wages, you can collect up to \$2,500 by giving the employer a certified death certificate and a sworn statement. You must be the surviving spouse, or the next of kin who is legally allowed to inherit the money.
- **U.S. Bonds:** These can often be collected by certain beneficiaries by filing Form PD F5336, Application for Disposition, along with a certified death certificate. *See Resources at the end of this section for a link to this form.*
- **Social Security Benefits:** If available, you may be able to collect up to \$1,000 by affidavit with the Social Security Administration thirty days or more after death. You must be the surviving spouse or state registered domestic partner, or if none, the next of kin and legally allowed to inherit the social security benefit.
- **Federal Tax Refund:** You can file IRS Form 1310 (Statement of Person Claiming Refund Due a Deceased Taxpayer) if you are legally allowed to inherit the money and no probate is filed. *See Resources at the end of this section for a link to this form.*

How Do I Handle the Debts If There Is No Probate?

Without a probate, all heirs must agree on how to handle the decedent's debts. One method is to appoint a "notice agent" to do the job. The notice agent collects debt information, mails notice to the known creditors, publishes notice to creditors, pays the debts and any taxes by the deadline (final individual income taxes, fiduciary income taxes, and estate taxes), and charges each heir with his or her share. Fiduciary income tax, filed on a Form 1041, is only for the time period after death until distribution to beneficiaries. *For more information about debt issues, see Resources at the end of this section.*

Even if there is no probate, you must notify the Washington State Department of Social and Health Services, the Washington Department of Revenue, and the IRS. By law, these agencies must be given the chance to collect payment for medical expenses paid for by the state or taxes owed. *See the "After a Death Occurs – A Checklist" section in the Dealing with Death chapter of this Handbook.*

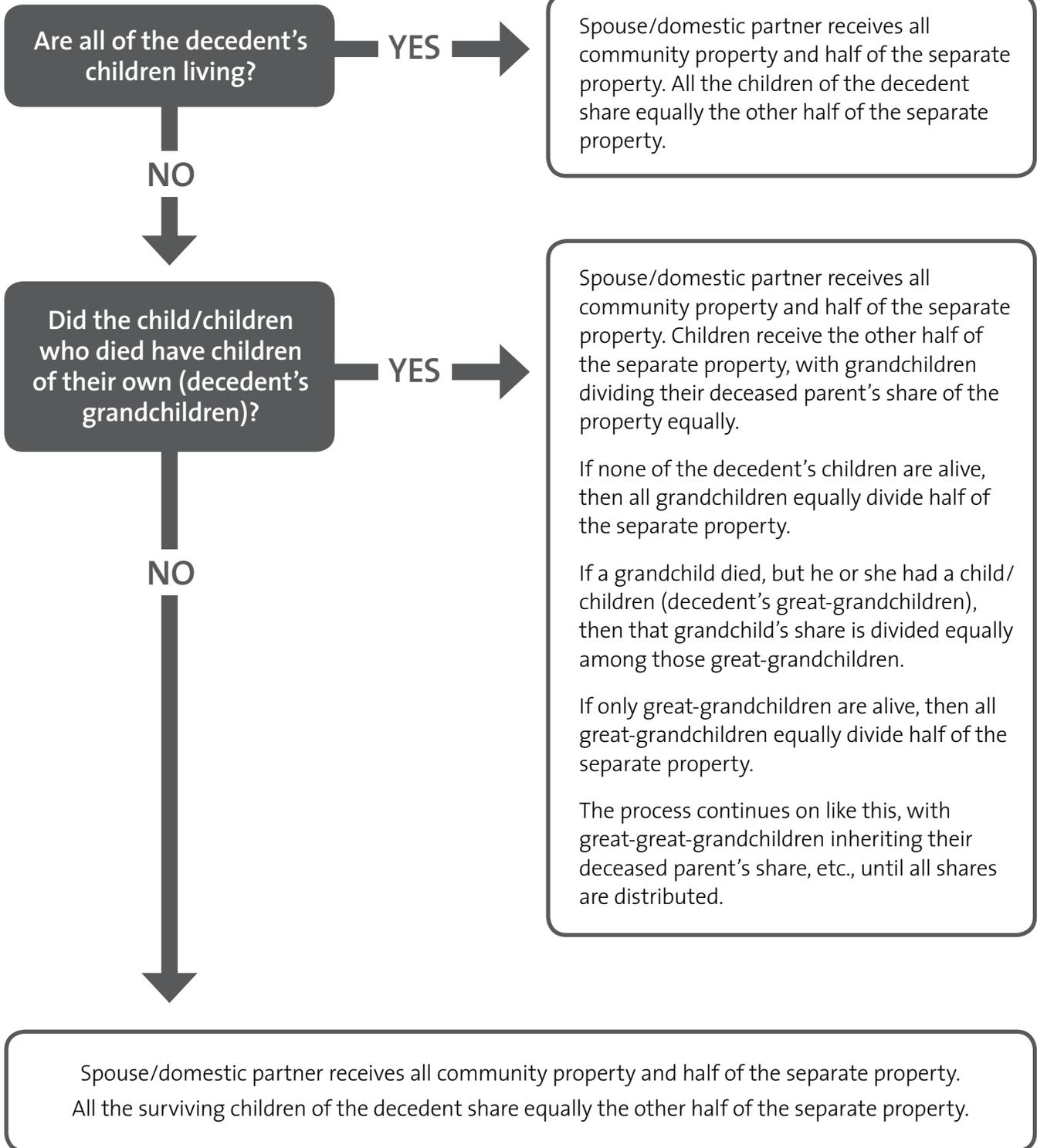
Keep in mind that under Washington law, a creditor may serve as Personal Representative. This might happen if a decedent has left enough assets to pay some or all of his or her debts and no family members have stepped forward to open a probate. If a creditor becomes the Personal Representative, the heirs would no longer control the process.

INTESTACY FLOW CHART 1:

WHEN DECEDENT HAS NO EFFECTIVE WILL AND

DOES have surviving spouse or domestic partner, and

DOES have surviving children, grandchildren, or great grandchildren, etc.

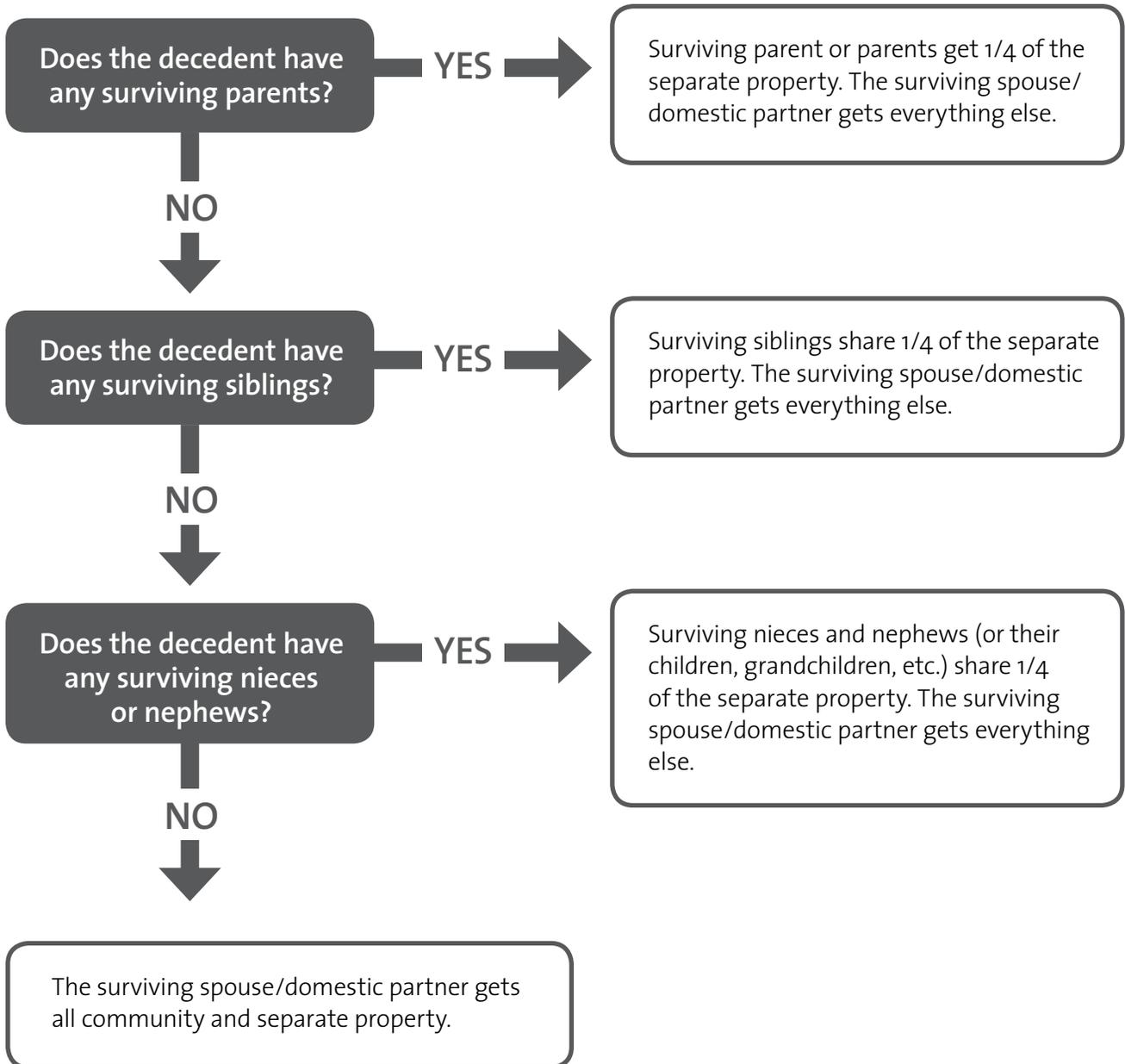


INTESTACY FLOW CHART 2:

WHEN DECEDENT HAS NO EFFECTIVE WILL AND

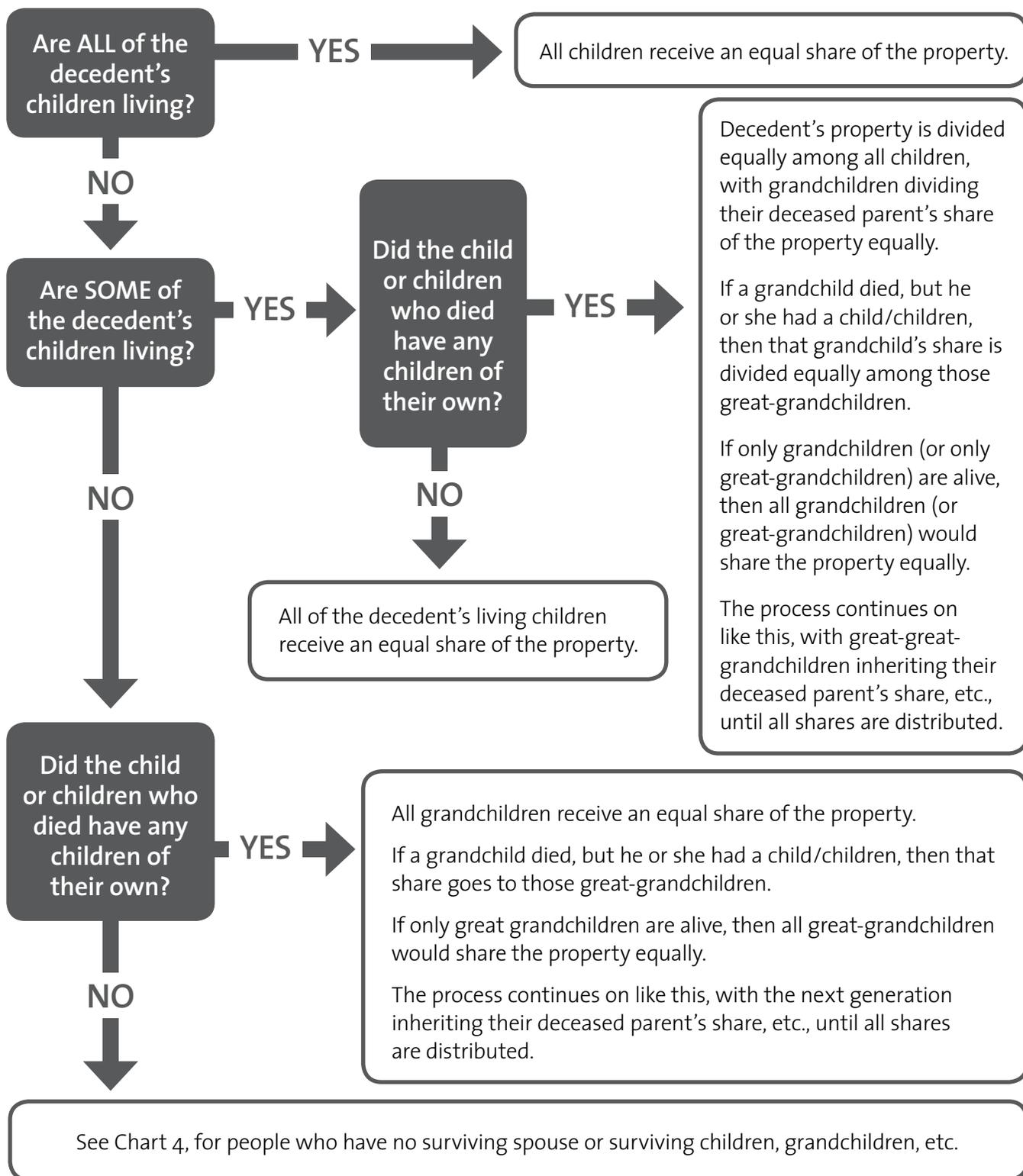
DOES have surviving spouse or domestic partner, and

DOES NOT have surviving children, grandchildren, or great-grandchildren, etc.



INTESTACY FLOW CHART 3:

WHEN DECEDENT HAS NO EFFECTIVE WILL AND DOES NOT have surviving spouse or domestic partner, and *DOES* have surviving children, grandchildren, or great-grandchildren, etc.

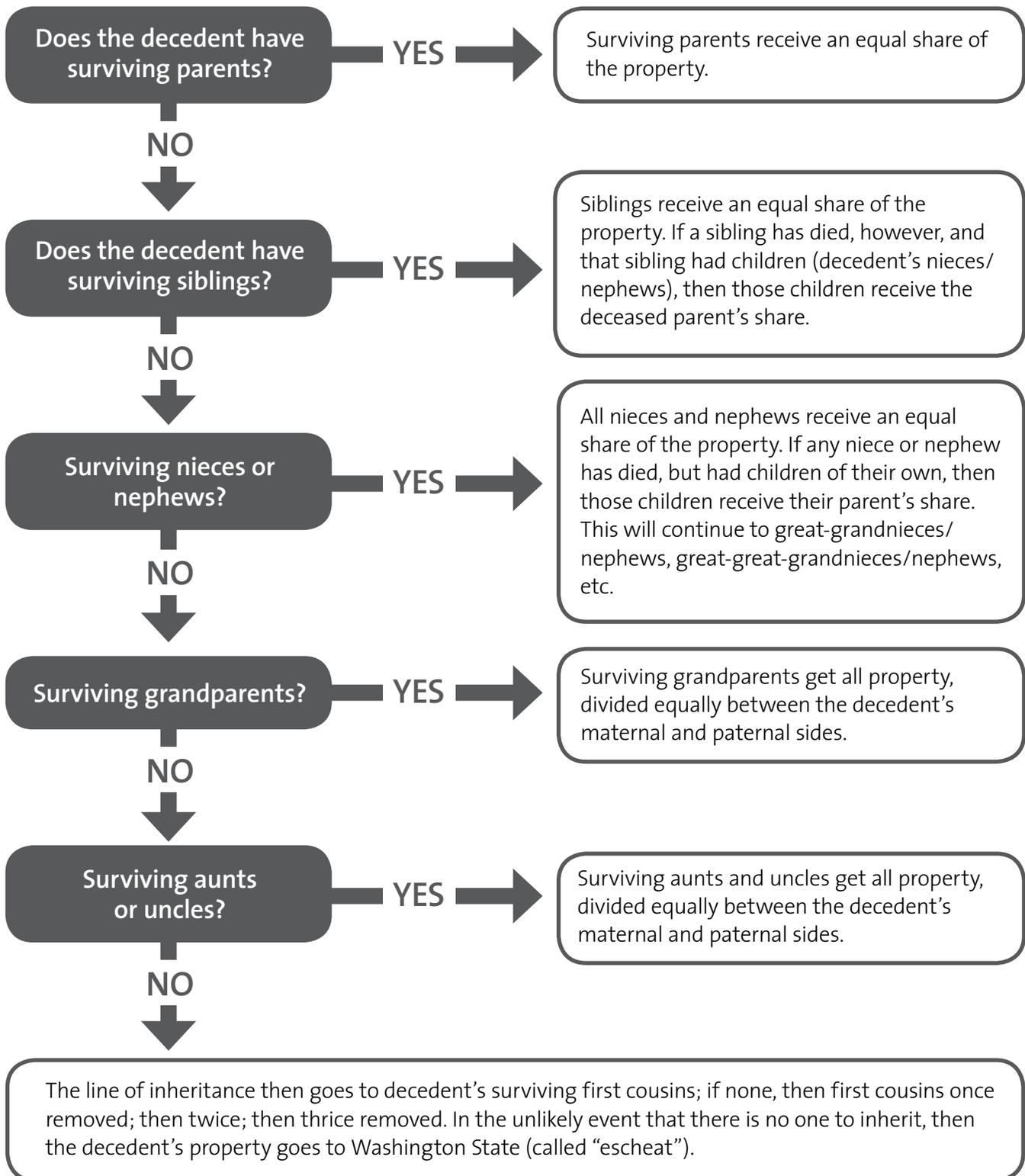


INTESTACY FLOW CHART 4:

WHEN DECEDENT HAS NO EFFECTIVE WILL AND

DOES NOT have surviving spouse or domestic partner, and

DOES NOT have surviving children, grandchildren, or great-grandchildren, etc.



Resources

Estate Recovery

- *Estate Recovery for Medical Services Paid for by the State*, by Columbia Legal Services
Online: www.washingtonlawhelp.org; enter “estate recovery” in the search box at upper right, then click on the title of the publication
- *Estate Recovery Information – Services Subject to Estate Recovery*, by DSHS
Online: www.washingtonlawhelp.org; enter “estate recovery” in the search box at upper right, then click on the publication title
- *Native American and Alaska Native Property Owners: Exemptions from Estate Recovery*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; enter “estate recovery” in the search box at upper right, then click on the publication title
- *See Resources at the end of the “Estate Planning” section in the Planning for the Future chapter of this Handbook.*

Homicide Victim’s Family Benefits

- Department of Labor & Industries, Homicide Victim’s Family Benefits: Applications are available online (linked here), from your local Victim and Witness Office (see next resource below), or health care providers.
By phone: 1-800-762-3716 (toll-free); TTD: 360-902-5797
Online: www.lni.wa.gov/ClaimsIns/CrimeVictims/Homicide/default.asp, click “Applying for benefits” for a link to the form (form number F800 042 000)
- Victim and Witness Offices: List of offices by county.
Online: www.lni.wa.gov/ClaimsIns/CrimeVictims/FilingClaims/VictimOffices.asp

Lawyer Referral

- *How to Find a Lawyer and Other Legal Resources in Washington State*, by Legal Voice
Online: www.legalvoice.org; click “Tools & Resources,” then “Lawyers & the Legal System”
- *See the Legal Help chapter of this Handbook.*

Native Americans

- Consult your tribal government for information.
- *Native American and Alaska Native Property Owners: Exemptions from Estate Recovery*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; enter “estate recovery” in the search box at upper right, then click on the publication title

- Indian Institute for Estate Planning at Seattle University School of Law: This is a resource for lawyers who want to understand Indian estate planning and probate. It does contain a resource for non-lawyers.
Online: www.law.seattleu.edu/centers-and-institutes/center-for-indian-law-and-policy

Probate Information

- Nolo.com: Offers a wealth of basic information about legal issues, including Wills, trusts and probate.
Online: www.nolo.com/legal-encyclopedia/wills-trusts-estates
- “Probate: What you need to know about administering an estate,” a brochure by the Washington State Bar Association
Online: www.wsba.org; in the menu at the left of the page click on “The Public,” then click “Consumer Information,” then click “Probate.”
- Washington Probate website, by Richard Wills, Esq.: This website gives good information to help understand the probate process and what forms are needed.
Online: www.wa-probate.com
 - Gaining access to a safety deposit box:
www.wa-probate.com/Instructions/Opening/Access-Safety-Box.htm
 - If the person did not leave a Will:
www.wa-probate.com/Instructions/Opening/Opening.htm#Petitioning
- *Washington Probate Deskbook*, by the Washington State Bar Association: A step-by-step guide for lawyers, but also useful to the general public.
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
By phone: 206-727-8202 (to order a copy)
Online: www.mywsba.org/OnlineStore/ProductDetail.aspx?ProductId=2596
- *Washington Probate Practice, Procedure and Tax Manual*, by Robert S. Mucklestone and Matthew B. McCutchen (Book Publishing Co., 1998): Includes useful samples of completed forms.
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
- *Washington Lawyers Practice Manual*, by the Seattle-King County Bar Association: See Chapter 10, “Guardianship, Probate & Trust Act” and Chapter 10a, “Estate Planning”
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
Online: www.kcba.org/secure/catalog/CatalogWLPM.aspx?Category=Chapter

Small Estate Affidavit (Only for estates under \$100,000)

- An Affidavit of Successor can be used to collect property when decedent was a Washington resident at death and owned property under \$100,000 after all debts have been paid.
Online: <http://dor.wa.gov/>, in the left column click “Get a Form or Publication,” click “Forms by Name,” and find the form titled, “Affidavit of Successor.”
- *How to Claim the Personal Property of Someone Who Has Died: Affidavit Procedure for Small Estates*, by Northwest Justice Project
Online: www.washingtonlawhelp.org, click on “Seniors,” then “Wills, estate planning & death”

- Small Estate Affidavit for Nonresident Decedents
Online: <http://dor.wa.gov/>, click “Get a Form or Publication,” then “Forms by Name,” and find the form “Small Estate Affidavit for Nonresident Decedents.”

Tax Information – Federal

- IRS (Internal Revenue Service): To access Form 1310, Statement of Person Claiming Refund Due a Deceased Taxpayer
Online: www.irs.gov/pub/irs-pdf/f1310.pdf
- IRS (Internal Revenue Service): To access Form 56, Notice Concerning Fiduciary Relationship
Online: www.irs.gov/pub/irs-pdf/f56.pdf
- IRS Taxpayer Identification Number (a.k.a. “employer identification number” or “EIN”): You will need it to open an account in the name of the estate (pay bills and collect liquid assets) and to take control of certain assets.
By phone: 1-800-829-4933 (toll-free)
Online: www.irs.gov/Individuals/Individual-Taxpayer-Identification-Number-ITIN
- *Publication 559* ([year]): *Survivors, Executors, and Administrators*, by the IRS: For use in preparing tax returns (updated annually).
Online: www.irs.gov/publications/p559/index.html
- Taxpayer Advocate Service: An independent organization that may be able to help with the decedent’s final Form 1040 and/or Form 1041 if you are eligible for assistance.
By phone: 206-220-6037 (Seattle) or 1-877-777-4778 (toll-free); TTY: 1-800-829-4059 (toll-free)
Online: www.irs.gov/Advocate/Local-Taxpayer-Advocate

Tax Information – Washington State

- Estate Tax: Washington Department of Revenue
By phone: 1-800-647-7706 (toll-free); Estate tax inquiries: 360-570-3265 and press 2 to speak with an estate tax specialist
Online: http://dor.wa.gov/content/findtaxesandrates/othertaxes/tax_estate.aspx
- Other Taxes: If deceased had an active business or owes any Washington State tax (e.g. estate, employee, sales or other excise taxes), send notice of death to the Department of Revenue at P.O. Box 47488, Olympia, WA 98504.
- RCW (Revised Code of Washington) Chapter 83.100: Washington’s estate tax laws
In print: Visit your county law library (*see Legal Help of this Handbook*)
Online: <http://apps.leg.wa.gov/RCW/default.aspx?Cite=83>

U.S. Savings Bond Information

- Application for Disposition, form 5336: Use this form when transferring U.S. Savings Bonds/Notes and/or related checks owned by decedent whose estate is being settled without administration.
Online: www.savingsbonds.com/forms/sav5336.pdf

- U.S. Government Offices for Savings Bonds
By phone: 1-844-284-2676 (toll-free)
Online: www.treasurydirect.gov/indiv/products/products.htm

Washington State Community Property Agreement

- “Community Property,” Chapter 10 of *Planning Your Estate*, by the Estate Planning Council of Seattle
By phone: 206-504-4968
Online: www.epcseattle.org/docs/book1/communityproperty.pdf
- Nolo.com: Offers a wealth of basic information about legal issues, including community property agreements.
Online: www.nolo.com/legal-encyclopedia/washington-community-property-agreement.html

Washington State Courts

- Superior Court directory
By phone: 360-753-3365
Online: www.courts.wa.gov/court_dir/?fa=court_dir.county

Washington State Department of Licensing (DOL)

- Washington State DOL: For Affidavit of Inheritance/Litigation, Form TD 420-041. Use this form if you have inherited a vehicle or vessel (i.e. a boat).
By phone: 360-902-3770, then press 5
Online: www.dol.wa.gov/forms/420041.pdf

Washington State Probate and Trust Laws

- Find Law website: Washington’s case law, code, local rules forms and more.
Online: www.findlaw.com/11stategov/wa/laws.html
- RCW (Revised Code of Washington), Title 11: Washington’s probate and trust laws.
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
Online: <http://apps.leg.wa.gov/RCW/default.aspx?Cite=11>



CHAPTER 6

Consumer Guide

Contracts

This section discusses basic contract law and what you can do before you sign a contract or after you have a problem with a contract.

Contracts are very common. You may enter into a contract when you buy something or hire someone to do something for you. Often, these contracts are routine and go smoothly. Sometimes there can be issues with a contract. For example, a contract can be complicated, involve a lot of money, have significant consequences, or the people involved cannot or choose not to follow the contract.

You should carefully read any contract before you sign it. You may need to get information about the law or talk to a lawyer *before* you sign. It is important that you understand what can happen if you don't follow the contract.

Contract Basics

A contract is any agreement between two or more parties where something of value is exchanged. Parties to a contract can be people or entities (companies, trusts, associations, government, etc.). A contract cannot be for a gift, something that happened in the past, or for an illegal act. Deceptive or misleading contracts are illegal, as are contracts that deal with illegal activity or items.

How Do I Make a Contract?

Some contracts can be formed by verbal promises. Others must be in writing and signed. A signed, written contract is required if the contract involves:

- Any sale or lease of land for a length of time longer than one year.
- Any services or actions that take longer than one year to finish.
- A transfer of property upon death.
- An agreement involving marriage.
- The purchase of goods for more than \$500.
- A promise to pay for someone else's debt.
- An agreement authorizing or employing an agent or broker to sell or purchase real estate on a commission.

For written contracts, the parties must sign to show they agree to the terms. For verbal contracts, the accepting party needs only to act on the agreement, like making a payment as agreed, to verify the verbal contract. It is always better to have a written contract, though, to prevent confusion or mistake.

What Happens If I Cannot Sign a Contract?

In Washington, if you are mentally competent but physically unable to write a full signature, you can write your own mark or use technology or another person to help you write your signature.

A person who is mentally incapacitated must have someone else sign the contract on his or her behalf, either a court-appointed guardian or someone with a valid Power of Attorney that allows entering into contracts. *See the Planning for the Future chapter in this Handbook for information about Powers of Attorney and guardianships.*

What Are “Contract Terms”?

“Contract terms” are simply the details of the agreement, which will depend on what the agreement is about. Most contracts include the names of the parties, a description of what the contract is about, price or other agreed exchange, and the date and/or time it will take to finish whatever it is you are agreeing to. Some contracts are required by law to list specific terms. Lease-purchase agreements, for example, have many requirements. *See “What Are Lease Purchase Contracts?” later in this section.*

What Do I Do If There Is a Problem with the Contract?

What you need to do will depend on the contract’s terms and the problem you have encountered. In many cases, the contract itself will say what to do. In other cases, you may need to go to arbitration or file a court action to fix problems. *See Resources at the end of this section for more information.*

How Do I Cancel a Contract?

Most contracts that you sign cannot be canceled, which is why it is important to understand the contract’s cancellation terms from the beginning. In Washington, however, there are some contracts you can cancel under specific circumstances. In such cases, you must return the purchase in good condition and mail the cancellation form before the agreed deadline. It is best to send the cancellation form by certified, return-receipt mail. Here are some examples:

- **Door-to-Door Sales, Show Sales, and Sales Parties:** If you bought something for more than \$25 from a salesperson who came to your home, a hotel seminar, a sales party at someone else’s home, a “home show,” or at a place other than the seller’s usual place of business, you may have the right to cancel the purchase within three business days. However, if you paid cash or if the items were needed because of an emergency, you cannot cancel. Also, if you made a purchase by calling or mailing the seller, you cannot cancel the purchase. (Different rules apply to telemarketer sales. *See “Telemarketing Sales” below.*)
- **Hearing Aids:** Washington law allows you to cancel a hearing aid contract within 30 days if there is a good reason—like it does not work or you were sold a hearing aid you do not need.
- **Health Club Memberships:** You have three business days after signing a membership contract in which to cancel and receive a refund. The amount of refund you are entitled to varies depending on your contract.
- **Telemarketing Sales:** Under Washington State law, if a salesperson or telemarketer calls you and sells you something over the phone, you have the right to cancel the purchase within three business days of receiving a written confirmation of your purchase. You have more time to cancel if you do not receive your purchase within 42 calendar days of the phone call.

- **Timeshares:** Washington law allows the buyer of a timeshare the right to cancel the contract within seven days. The seller is required to tell you about the cancellation period. The cancellation period begins when you have signed the contract or received the notice about the right to cancel. *See Resources at the end of this section for more information.*

What Are Lease-Purchase Contracts?

A lease-purchase contract allows you to make regular payments on an item until you have paid enough to own it. If you do not make all payments, you must return the item without refund. Be careful with lease-purchase contracts; they can have much higher interest rates than other contracts are allowed to have.

Many rules apply to this type of contract. Certain terms must be included, and others are specifically forbidden. *See Resources at the end of this section for more information.*

What About Contracts Involving My Home?

When you enter into a contract for someone to work on your home or when you use your home as security (a guarantee) for a contract, proceed very carefully. *See the “Homeowners” section of the Housing chapter for more information.*

What If I Am Not a Citizen?

Often, non-citizens are new to the English language and American culture, and may face many barriers to negotiating a fair contract. You may feel forced to sign a contract you do not understand. Dishonest people might use your immigration status as a way to take advantage of you. *See Resources for more information.*

Non-English speakers should ask for the contract to be translated or get help understanding its terms.

The fact that you are a non-citizen or undocumented immigrant does not make the contract invalid; the other party can still enforce the contract. You also have the right to use the Washington State court system to enforce the terms of a valid contract, regardless of your immigration status.

Basic Contract Tips

- Read the contract carefully.
- Take time to understand the contract. Never sign or verbally agree to a contract if you feel rushed or pressured. You may need to look up words you do not know or ask someone to help you understand it. If you do not understand the contract or its consequences, do not sign.
- Ask questions to make sure you understand the terms and what will happen if the terms are violated. Make sure that what the person says matches what is written in the contract.
- You may propose alternative terms for a contract even if the other party already provided you with a written contract to review.
- Research sample contracts. Check the Internet or ask someone who has worked with a similar contract if you can see a sample. Note how your agreement is similar or different and ask why.
- Check and double-check to make sure the details, such as the names, dates, quantity, price, conditions, deadlines, etc., are correct. Remember, once you sign, you are bound by what is written—not by what someone has told you or what you think is or *should* be written.

- Check the fine print, including footnotes, definitions, and any other words in small-size print. If necessary, ask for these parts to be printed larger or for someone to read them to you out loud.
- Ask someone you trust about her or his experience with similar contracts. Ask about the other party's reputation and integrity or research it by checking with a consumer agency such as the Office of the Attorney General or Better Business Bureau.
- Never become a guarantor or co-signer to a contract unless you alone are able to do or pay what the contract says. Be sure you have confidence in the other co-signer before you agree to co-sign.
- Avoid verbal contracts or promises, especially if you have a written contract. In most cases, the written and signed contract will replace any verbal contract or promise.
- If there is a problem, read your contract, find the part of the contract that relates to the problem, and learn your legal rights before you act. If possible, talk to a lawyer.

Resources

Contract Basics

- *Contract Basics*, by Lawyers.com: Explains the elements of a legally binding contract.
Online: <http://consumer-law.lawyers.com/consumer-contracts/contract-basics.html>
- “*Contracts and Consumer Law*,” Chapter 9 of the *ABA Guide to Family Law*, by the American Bar Association
Online: www.americanbar.org; use the search box at upper right to find this publication, then click on the link to Chapter 9
- *Signing Documents*, by the Washington State Bar Association
By phone: 1-800-945-9722 (toll-free)
Online: <http://wsba.org/News-and-Events/Publications-Newsletters-Brochures/Consumer-Information>
- To review the laws on contracts involving goods, see Title 62A.2 RCW (Revised Code of Washington) (state law). Available online and at your local law library (*see the Legal Help chapter*).
Online: <http://apps.leg.wa.gov/rcw/default.aspx>

Contract Issues Faced by Non-Citizens

- National Employment Law Project (NELP): Includes info on contract issues faced by immigrants
By phone: 212-285-3025
Online: www.nelp.org

Leasing

- *Leasing*, by the Washington State Attorney General: Information on leasing autos, including lease to purchase.
By phone: 1-800-551-4636 (toll-free) (in-state only); or 206-464-6684 (out-of-state callers);
TTY: 1-800-833-6384
Online: www.atg.wa.gov/leasing

- To review the laws for lease-purchase agreements, see Titles 63.19 and 19.52 RCW (Revised Code of Washington) (state law). Available online and at your local law library (*see the Legal Help chapter*).
Online: <http://apps.leg.wa.gov/rcw/default.aspx>

Problems with Contracts/Cancellation Information

- Better Business Bureau: To file a complaint about a contract you entered into with a business
By phone: 206-431-2222 (Western WA); 509-838-3841 (Eastern WA)
Online: www.bbb.org (enter your zip code, then click “Get Consumer Help”)
- Federal Trade Commission (FTC): Information on canceling certain contracts.
By phone: 1-877-382-4357
Online: www.consumer.ftc.gov/articles/0176-buyers-remorse-when-ftcs-cooling-rule-may-help
- Washington State Attorney General’s Office: Information on cancellation rights and consumer complaints.
By phone: Consumer Protection Division: 1-800-551-4636 (in-state) (toll-free); 206-464-6684 (out-of-state); TTY: 1-800-833-6384 (toll-free); call centers are open Monday through Friday, 10 AM to 3 PM
Online: www.atg.wa.gov/cancellation-rights (this webpage includes a link to file a complaint)

Consumer Scams and Fraud

Consumer fraud can happen to any consumer (a customer or shopper), and it most often happens to seniors. Consumer fraud is when you buy something or when you pay for a service, but it is not what was advertised or promised to you. Fraud can also happen when you are overcharged for something, or if you are pressured into an unfair agreement, like a membership or subscription with hidden fees. Fraud can even happen without you doing anything, such as identity theft. *See the “Identity Theft” section in this chapter.* Scams (also called cons, swindles, and stings) are some of the ways that people can cheat you and commit fraud.

Scams and fraud can happen by mail, on the phone, on the Internet, and in person at your door. If the offer is “too good to be true,” it is likely a scam.

Common Scams and Frauds

Charitable Contributions

There are many good charitable organizations, but sometimes people ask you for a donation that does not really go to a charity. Don't feel pressured to give money over the phone or at the door. Real charities will send information by mail if you ask for it, so you can check out the charity. Always ask for identification if someone comes to the door collecting money. Don't pay by cash. Never give your credit card number over the telephone or at the door. Instead, mail your donation directly to the charity's mailing address.

You can call the Washington Secretary of State's Charity Information Hotline to see if the charity is registered. However, churches, political organizations, and very small organizations don't have to register. You can also ask your family, friends, and the Better Business Bureau about the charity. *See Resources at the end of this section.*

Sweepstakes and Foreign Lotteries

Sweepstakes and prizes are a popular form of advertising. They are also a common scam. If you receive a letter, email, or a phone call announcing “You have won!” it is almost always a scam. If they ask you for a processing fee or taxes to claim a large prize, you will not see your money again and you won't get the promised prize. Some sweepstakes are real, but by law you never need to make a purchase to enter a sweepstakes and the purchase can't improve your chances of winning.

Foreign lotteries are often a scam. You might receive a call, email, or letter telling you how to choose winning numbers or invest in a foreign lottery. Don't send money. *See Resources at the end of this section for more information.*

Health Fraud

Health fraud is the sale and advertising of products that claim to treat or cure, when the products have not been approved by the government. This quackery often involves treatments for cancer, arthritis, diabetes, HIV/AIDS, weight loss or sexual enhancement, and offers diagnostic tests and dietary supplements that don't work. If it sounds too good to be true, it probably is. Ask your health professional about any product you have questions about. *See Resources at the end of this section.*

Investment Scams

Beware of any “get-rich-quick” schemes. Scams can involve investments that pay higher interest rates than the bank offers. They can also include “business opportunities,” gemstones, oil and gas leases, precious metals, rare coins, or art. Promises like “guaranteed,” “no-risk,” “high rate of return,” and “get in on the ground floor” are often warning signs. Sometimes the fraudulent investment is a pyramid or “Ponzi scheme,” where you must recruit others to invest or sell a product. Participating in a pyramid scheme is illegal under Washington law. *See “Investment Fraud” Resources at the end of this section for the Washington Attorney General contact information.*

The Washington Attorney General offers this advice before you invest:

- **Compare:** Look at similar investments from other firms.
- **Consider:** Never buy at the time of the sales pitch. Give yourself time to consider.
- **Consult:** Ask someone you trust what they think of the investment.
- **Report:** If you are asked to participate in a pyramid scheme, file a report with the Washington Attorney General.

Money Wire Scams

Often one sign of a scam is if someone asks you to wire money to claim a large prize, to help out a relative, or for some other reason. Here are tips on what to do and what not to do:

- Do not send money if a caller requires you to send money “right now!” You may even get a call from someone who pretends to be your relative, saying that they are in trouble and need money. **Do not send money unless you have checked, and your relative is really in trouble.** If a caller asks for your bank account number or urges you to send money via Western Union or MoneyGram for any reason, that’s a sign of a scam.
- Do not send money to someone who tells you what to say to the wire transfer agent, or says you should hide information or lie to the agent.
- Do not wire money to someone you don’t know well. You will not get your money back.
- Do not wire money to pay for an item you bought from an online auction.
- Do ask the clerk to stop your transaction immediately if you just sent a money transfer and you think you might be a fraud victim.

Online Relationship Scams or “Catfishing”

If you use an online dating website like match.com, or ourtime.com, or have a Facebook profile, you might be susceptible to scam artists pretending to be a relative or old friend and/or developing an online relationship with you. At some point after he or she has gained your trust through online chats, emails, or telephone calls, the scam artist will ask for help paying a bill, money to travel to visit you, or gifts. Like any activity online, use caution and do not give out personal information or send money to someone you have not met in person. If it sounds too good to be true, it is probably a scam.

Sending Money to Other Countries

Many people – both immigrants and U.S. born citizens – send money to other countries, often to help family living outside the U.S. “Money transmitters” (companies that send money to other countries) often add large fees and hidden costs. The currency exchange rates may not be favorable. Some money transmitters never send the money you gave them. When you are shopping for a money transmitter, be sure to compare prices. Ask the transmitter to explain any fees, and check out the currency exchange rates. Be sure to get a receipt.

If the wire transfer takes longer than 10 days, then contact the money transmitter. If you use a money transmitter that is licensed by Washington State, you can file a complaint with the Department of Financial Institutions. *See Resources at the end of this section.*

Check to see if there are lower-cost ways for sending money, especially to Mexico and Central America. The United States Post Office offers the SureMoney® (DineroSeguro®) program. IRnet® is a program available at many credit unions. You might also be able to set up an internationally accessible ATM account through your bank or credit union.

Immigration Assistance Fraud

Under Washington law, someone who is not a lawyer cannot give you legal advice about immigration issues. A “notary public” is not a lawyer. Only a lawyer can tell you your immigration status, help you fill out immigration forms, or prepare immigration documents for you. A non-lawyer can translate for you or help you get existing documents, like birth or marriage certificates. Check the references of any translator and keep your original documents.

Scam artists in Washington State sometimes charge large fees for helping with immigration paperwork. Don’t believe any claims that someone can get special treatment from immigration officials. *See Resources at the end of this section.*

Other Examples of Scams

- Home repair offers may be a scam, especially from those people who come to your door without being asked. *For more information, see the “Homeowners” section in the Housing chapter of this Handbook.*
- Living trusts and pre-paid burial plans may be a scam. *See the “Estate Planning” and “Planning for Death” sections in the Planning for the Future chapter of this Handbook for more information and resources to help you with planning.*
- Loans, mortgages, debt relief, and credit cards can also be subject to scams and predatory lending. *See the Personal Finances chapter and the “Homeowners” section in the Housing chapter for more information.*
- If you suspect fraud by a relative or caregiver, *see the Elder Abuse chapter in this Handbook.*
- *See the “Identity Theft” section in this chapter for important information about identity theft.*
- *See the “Banking” section of the Personal Finance chapter for information on fake check scams.*

Limiting Contact by Scammers

How Can I Stop Telemarketing Calls?

The best way to stop many telemarketing and scam calls is to register all your home phone and cell phone numbers with the national “Do Not Call” Registry. This is a free program of the Federal Trade Commission (FTC). *See Resources at the end of this section.* After 30 days, you should stop getting most telemarketing calls. Your telephone number remains on the list permanently, unless you later ask to have your name removed from the list. However, charities, political organizations, and telephone surveys are still permitted to call you. Businesses can call you for up to 18 months after your last purchase, or three months after your last contact with them. You can ask a company or charity to put you on its own do not call list.

Always be careful when you give your phone number out. Signing up for sweepstakes or free products with your name and phone number is one way that companies can legally call you even if you're on the Do Not Call Registry. You might also consider getting an unlisted phone number, though you may have to pay a monthly fee.

If you call phone numbers which use area code "900," you will be charged very high fees. They are usually "pay-per-call" scams or "premium-rate" calls. If you want a free block of area code 900 calls, contact your local telephone company.

How Can I Get Less Junk Mail?

Your mailbox is a common place for scams. To get your name off of many mailing lists, you can contact the Direct Marketing Association's (DMA) Mail Preference Service and ask them to take your name off their mailing lists. You have to re-register every three years. You can also register names of deceased loved ones for their Deceased Do Not Contact list at the same DMA website. In addition, there is a Do Not Contact List for Caretakers for those helping a relative or close friend. *See Resources at the end of this section.*

How Can I Get Less Email Spam?

Email is also a very common place for junk mail ("spam") and scams. If you use your email address on websites it often leads to more junk email and scams. Ask your email service provider how to set your email filter to help stop these unwanted emails. You can also register on Direct Marketing Association's (DMA) email Preference Service (eMPS) to reduce the amount of commercial emails you get. *See Resources at the end of this section.*

What Can I Do to Fight "Phishing" and other Internet Scams?

According to the Federal Trade Commission (FTC), "phishers" are criminals "fishing" on the Internet, trying to get your important personal information. With this data, criminals can steal your identity or run up bills in your name. Phishers send an email or pop-up message on the Internet that claims to be from a business or organization that you may deal with and may ask you to update or confirm your account information. A safe rule to follow is to never give your personal information (such as your Social Security number, date of birth, or bank account number) to anyone on the Internet or by email. Here are some tips on how to avoid being scammed on the Internet:

- If you get an email or pop-up message on the Internet that asks you for your personal or financial information, do not reply. Legitimate businesses won't ask for this by email. Don't click on the link in the email, and don't call the phone number. If you are concerned about your account, call the business mentioned in the email using a telephone number you know is correct.
- If you receive text messages on your cell phone from someone claiming to be your financial institution or another company asking for personal information, do not reply. Use the telephone to call the company, and use the telephone number you know is correct to confirm that the company needs this information.
- Do not answer emails from people you don't know, asking that you send them money or give your bank account information in exchange for such things as winning prizes or inheriting money. The "Nigerian scam" is an example of such fraudulent emails. Delete these emails immediately, and block them as junk email or spam if possible.
- Forward spam that is phishing to spam@uce.gov and to the company, bank, or organization impersonated in the phishing email. Most organizations have information on their websites about where to report problems.
- "Free trials" offered on the Internet usually are not free, and often are scams. If you have to give a credit card number to pay for shipping, usually there are other fees in the fine print of your agreement. It is best to not sign up for these free trials.

- “Work-at-Home” and “Get Rich” business offers are usually scams, especially if they ask you to pay them money first. These scams are usually too good to be true.
- If you want to buy something and pay for it online with a credit card, be sure that the website address begins with “https:” (the “s” stands for “secure”), and look for the symbol to the far left or far right of the web address that looks like a padlock.
- Review your credit card and bank account statements as soon as you receive them to check for unauthorized charges. If your statement is late by more than a couple of days, call your credit card company or bank to check.
- Use anti-virus and anti-spyware software as well as a firewall, and update them all regularly.
- Be cautious about opening any attachment or downloading any files from emails you receive, especially from someone you don’t know. These files can contain computer viruses or other software that can cause problems for your computer. Scam artists are very clever and will frequently impersonate someone you know through email, so be cautious when clicking any Internet links or downloading attachments if something looks “off.” If you receive an email that looks strange or different, it is a good idea to send a separate email to the sender and ask if he or she recently sent you an email. It is possible his or her computer was hacked (broken into and used by someone else) or email password was compromised.
- Change your email passwords on a frequent basis.
- If you believe you’ve been scammed, file a complaint with the FTC. Victims of phishing can become victims of identity theft. *See the “Identity Theft” section in this chapter.*

How Can I Avoid Fraud at My Door?

Beware of salespeople coming to your door. For example, they may offer home repair and home maintenance services, or sell magazine subscriptions. Very often these salespeople are really scam artists. Here are some tips to protect yourself from these scammers:

- Don’t do business on the spot. Avoid high-pressure tactics. Give yourself at least a day before signing a contract. Don’t give cash for the services, and don’t make a check out in the name of the salesperson or an associate.
- Check them out. For home repair and maintenance services, make sure there is a local office you can contact. Check any contractor’s license. Ask for recent references, and call them. Check with the Better Business Bureau to see if there are complaints. *See the “Homeowners” section in the Housing chapter of this Handbook for more information and resources.*
- Remember – you have choices. There are other good businesses that offer these services.

How Can I Avoid Fraud Over the Phone or by Email?

Be cautious because scam artists have gotten increasingly sophisticated with their “cons,” in particular over the phone and through email and the Internet. For example, scam artists will impersonate a representative of an Internet service provider or computer company (for example, a company like Microsoft) and call you to inform you that your computer has been infected with a virus. Then the scam artist will offer to “fix” the virus or problem for an additional fee, and ask for your credit card information, or to verify the credit card you have on file. This is just one example, but NEVER share your credit card or other personal identifying information with someone that has called YOU. Always call the Internet service provider or computer company directly to confirm, and the company will be happy to assist you directly if there is an issue. *See the “Identity Theft” section in this chapter for more information on ways to avoid scams over the phone or by email.*

What If I Have Been a Victim of a Scam or Fraud?

If you were a victim of a scam or fraud, you should report it and file a complaint. You may not get your money back, but you might help prevent the scammer from hurting others. If there are enough complaints about a specific scam or fraud, authorities might be able to take action against the scammer. If you file a complaint, your name will be on the list of victims to possibly get refunds if the scammer is caught. Be aware that the scammers may try to scam you again with new scams (and even offers to help get your money back), but do not fall for this. *See Resources at the end of this section for information on filing complaints.*

Resources

To File Complaints and for General Resources

- *Consumer Action Handbook*, by the Federal Citizen Information Center: Covers many topics in addition to good information on scams and frauds.
By phone: 1-844-872-4681
Online: www.usa.gov/handbook
- Consumer Action: Publications about scams and fraud in multiple languages
By phone: 415-777-9635
Online: www.consumer-action.org/publications; click on “Fraud/Scams”
- Federal Trade Commission (FTC): To file a consumer complaint and for information to help consumers avoid scams. The FTC enters consumer complaints into the Consumer Sentinel Network (an online database and investigative tool used by many civil and criminal law enforcement agencies in the U.S. and internationally).
By phone: 1-877-382-4357 (toll-free)
Online: www.ftc.gov and www.consumer.gov/section/scams-and-identity-theft (identity theft website)
- Fraud.org, a project of the National Consumers League: Information on common scams, how to spot a scam, how to file a complaint, and more.
Online: www.fraud.org; information for older adults, go to “Learn about Scams” then click on “Fraud Against Older Adults”
- Senior Money Project: Provides information for consumers about financial issues, including scams. Produced by CENTS (Consumer Education and Training Services).
Online: www.seniormoneyproject.org
 - A list of resources in print:
<http://seniormoneyproject.org/consumerboxes/scams/>
- *The True Link Report on Elder Financial Abuse 2015*, by True Link
Online: www.truelinkfinancial.com; click on “Resources,” then on “Research”
- Washington State Attorney General’s Office: To file a consumer complaint and for information about fraud.
By phone: 1-800-551-4636 (toll-free); TTY: 1-800-833-6388 (toll-free)
Online: www.atg.wa.gov/FileAComplaint.aspx (to file a complaint) and www.atg.wa.gov/senior-fraud (for articles about senior fraud)

- Washington State Fraud Fighters: Joint program of the Washington Attorney General’s Office and AARP to educate the public, especially seniors, about consumer scams
By phone: 1-800-646-2283 (toll-free)
Online: www.atg.wa.gov/fraud-fighters

Charitable Contributions

- Better Business Bureau’s Wise Giving Alliance: For reports on national charities.
By phone: Western WA: 206-431-2222 or 253-830-2924; Eastern WA: 509-455-4200 or 1-800-356-1007 (toll-free)
Online: <http://give.org/charity-reviews/national/>
- GuideStar.org: Free information and reports on nonprofits.
Online: www.guidestar.org
- Washington Secretary of State’s Office: To check charity registration and other information.
By phone: 1-800-332-4483 (toll-free) or 360-725-0378
Online: www.sos.wa.gov/charities/search.aspx (to check charity registration) and www.sos.wa.gov/charities/donors.aspx (to learn more about charities fraud)

Health Fraud

- Federal Trade Commission (FTC): Consumer information about health fraud.
Online: www.consumer.ftc.gov/articles/0327-miracle-cures-health-information-older-people; on this page, note the links under “Related Items,” at right.
- U.S. Food and Drug Administration: Information and a video on health fraud.
By phone: 1-888-463-6332 (toll-free)
Online: www.fda.gov/ForConsumers/ProtectYourself/HealthFraud/default.htm

Immigration Assistance Fraud

- Washington State Attorney General’s Office: For information about immigration assistance fraud or to report a suspected case of immigration fraud.
By phone: 1-800-551-4636 (toll-free)
Online: www.atg.wa.gov/immigration-services
- Washington State Bar Association: To check the license of a lawyer.
By phone: 1-800-945-9722 (toll-free)
Online: www.mywsba.org/LawyerDirectory.aspx; search for the lawyer by name and look at the lawyer’s “Member Status” in her or his profile

Investment Fraud

- FINRA Investor Education Foundation: Includes online videos, articles, free DVDs and other resources to fight fraud.
Online: www.finrafoundation.org

- North American Securities Administrators Association (Senior Investment Resource Center)
By phone: 360-902-8760
Online: www.nasaa.org/1723/senior-investor-resource-center/
- Washington State Department of Financial Institutions (DFI)
By phone: 1-877-746-4334 (toll-free)
Online: www.dfi.wa.gov/financial-education/information/signs-investment-fraud
- Washington State Attorney General's Office
By phone: 1-800-551-4636 (toll-free)
Online: www.atg.wa.gov/investment-scams

Money Wire Transfers and Money Transmitters

- *How to Send Money Home: Tips for Transferring Money Overseas*, by Consumer Action (also available in Spanish, Chinese, Vietnamese, and Korean)
By phone: 415-777-9635 (Chinese, English and Spanish spoken)
Online: www.consumer-action.org/english/articles/how_to_send_money_home/
- U.S. Post Office: SureMoney® (DineroSeguro®) program
Online: www.usps.com/international/money-transfers.htm
- Washington State Department of Financial Institutions (DFI): Information on using money transmitters wisely, and how to file a complaint (available also in Spanish).
By phone: 1-877-746-4334 (toll-free)
Online: www.dfi.wa.gov/consumers/moneytrans.htm

Sweepstakes and Foreign Lotteries

- Washington State Attorney General's Office:
By phone: 1-800-551-4636 (toll-free)
Online: www.atg.wa.gov/sweepstakes-scams (sweepstakes information) and www.atg.wa.gov/foreign-lottery (foreign lotteries information)

Telephone, Mail, and Internet Scams and Fraud

- Catalog Choice: To opt out of catalogs, coupons, credit card offers, phone books, circulars, and other unwanted mail.
Online: www.catalogchoice.org
- Consumer credit reporting industry opt-out service: To opt out of credit card and insurance offers.
By phone: 1-888-567-8688 (toll-free)
Online: www.optoutprescreen.com

- Direct Marketing Association (DMA): To get your name removed from many mailing lists (both regular mail and email) and to remove deceased's and caregivers' names from mailing lists.
By mail: Send \$1 check or money order and a registration form (online) to:
Mail Preference Service
Direct Marketing Association
P.O. Box 643, Carmel, NY 10512
Online: www.dmachoice.org/register.php (this service is free online)
- Do Not Call Registry: A free national program with the Federal Trade Commission (FTC) to stop many unwanted telemarketer calls. You can register or file a complaint.
By phone: 1-888-382-1222 (toll-free); TTY: 1-866-290-4236
Online: www.donotcall.gov
- Internet Crime Complaint Center (IC3)(partnership between the FBI and National White Collar Crime Center): Report Internet fraud and scams.
Online: www.ic3.gov
- National Consumer League (NCL) Fraud Center: To report telemarketing or Internet fraud, and for fraud information (your complaint will be forwarded to the appropriate authority).
By phone: 202-835-3323
Online: www.fraud.org
- Privacy Rights Clearinghouse: Publications about telephone privacy, junk mail, and maintaining privacy in other situations.
By phone: 619-298-3396
Online: www.privacyrights.org
- *What to Do if You've Become the Victim of Telemarketing Fraud*, by Idaho Legal Aid Services
Online: www.idaholegalaid.org/sites/idaholegalaid.org/files/cf_telemarketing_fraud.pdf
- U.S. Postal Inspector Service: To report mail fraud and scams.
By phone: 1-877-876-2455 (toll-free)
Online: <https://postalinspectors.uspis.gov/>

Identity Theft

What Is Identity Theft?

“Identity theft” means someone uses your personal information, like your name, Social Security number, or credit card number, without your permission to commit fraud or other crimes.

The crime takes many forms. Identity thieves may rent an apartment, get a credit card, or open a telephone account in your name. You may not find out about the theft until you look at your credit report or a credit card statement and find charges you didn’t make—or until you’re contacted by a debt collector.

Identity theft is serious. Depending on the situation, it can cost a lot of time and money to repair damage to your credit record, and it can even make it hard to get a job or a loan. In rare cases, a victim of identity theft may be arrested for crimes they did not commit.

Why Should Seniors Be Concerned?

Identity theft is the fastest growing financial crime in America. Seniors make up a large percentage of the victims.

How Do Thieves Get My Information?

Identity (ID) thieves use many methods to get hold of your information, including:

- **Dumpster Diving:** ID thieves look through trash for bills or other paper with your personal information on it.
- **Skimming:** Skimming is a method typically used by employees of an establishment to gather credit and/or debit card numbers and expiration dates when running a customer’s card for a real purchase. Oftentimes, identity thieves will use a special storage device that allows them to save this information in bulk.
- **“Phishing”:** On the Internet, ID thieves pretend to be financial institutions or companies and send spam (junk email) or pop-up messages to ask for your personal information. ID thieves may also send you text messages on your cell phone pretending to be your financial institution or other corporation.
- **Changing Your Address:** ID thieves change your billing statements to another location by completing a change of address form.
- **Old-Fashioned Stealing:** ID thieves steal wallets and purses; mail, including bank and credit card statements; pre-approved credit offers; new checks or tax information; and personnel records.
- **Pretexting:** ID thieves use untrue or misleading excuses to get your personal information from financial institutions, telephone companies, and other sources.

What Steps Can I Take to Help Prevent Identity Theft?

- Shred financial documents and paperwork with personal information before you throw them away.
- Protect your Social Security number. Don’t carry your Social Security card in your wallet or write your Social Security number on a check. Give it to trusted companies and only if absolutely necessary or ask to use another identifier.
- Don’t give out personal information on the phone, through the mail, or over the Internet unless you know who you are dealing with.

- Never click on links sent in unsolicited emails. ID thieves will send phony emails or use fake websites that look identical to your financial institution or credit card company. Instead, type in a web address you know. When in doubt, call the company directly using a telephone number you know and trust.
- Use firewalls, anti-spyware, and anti-virus software to protect your home computer, and keep them up-to-date. Visit www.onguardonline.gov for more information.
- Don't use an obvious computer password like your birth date, your mother's maiden name, or the last four digits of your Social Security number.
- Keep your personal information in a secure place at home, especially if you have roommates or outside help, or if you are having work done in your house.
- Inspect your credit report regularly. Credit reports have information about you, including what accounts you have and your bill paying history. The law requires consumer reporting companies—Equifax, Experian, and TransUnion—to give you a free copy of your credit report each year if you ask for it. *See Resources at the end of this section for contact information.*
- Consider a security freeze on your credit. This means that your credit file cannot be shared with potential creditors or insurance companies, which will keep ID thieves from opening new accounts in your name. In Washington State, identity theft victims and adults over 65 can request a freeze for free. *See the Washington State Attorney General's Office website listed in Resources at the end of this section for more details.*

How Can I Tell If My Identity Has Been Stolen?

These are signs that require immediate attention:

- Bills do not arrive as expected.
- You get unexpected credit cards or account statements.
- Someone denies you credit for no apparent reason.
- You get calls or letters about purchases you did not make.
- Your financial statements have charges you did not make.

What Do I Do If My Identity Has Been Stolen?

If you suspect identity theft, consider taking the following steps:

- Place a "Fraud Alert" on your credit reports, which tells creditors to follow certain procedures before they open new accounts in your name or make changes to your existing accounts.
- The "Fraud Alert" also allows you to get free copies of your credit reports. Look for inquiries from companies you haven't contacted, accounts you didn't open, and debts on your accounts that you can't explain. *See Resources at the end of this section for contact information.*
- Close any accounts that have been tampered with or opened without your permission. Call the security or fraud departments of each company. The law requires businesses to give information about fraudulent transactions made in your name.
- Follow up with the companies in writing, with copies of supporting documents. Use the Internal Revenue Service's ID Theft Affidavit Form 14039 to support your written statement (*see Resources at the end of this section*). Ask for written proof that the disputed account has been closed and the fraudulent debts removed from your name.
- File a police report. If an identity thief is convicted, the court can issue an order that you can use to help correct public records about you. You can also send a copy of the police report to consumer reporting agencies to block false information.
- Report the theft to the Federal Trade Commission (FTC). Your report helps law enforcement across the country in their investigations. *See Resources at the end of this section for contact information.*
- Keep copies of documents and records of your conversations about the theft.

Resources

Annual Credit Report Request Service

- Annual Credit Report website: The Fair Credit Reporting Act allows you one free credit report every 12 months from Experian, Equifax, and TransUnion. Caution: There are other websites with similar names offering misleading and sometimes fraudulent “free” reports, so be sure you use this website or telephone number.
By phone: 1-877-322-8228 (toll-free)
Online: www.AnnualCreditReport.com

Information on Identity Theft and What to Do If Your Identity Is Stolen

- *AGO ID Theft Brochure for Consumers*, by the Washington Attorney General’s Office
Online: www.atg.wa.gov/recovering-identity-theft-or-fraud; link to brochure is in the grey “Publications” box
- Consumer Action: Publications about privacy and identity theft in multiple languages.
By phone: 415-777-9635
By email: info@consumer-action.org
Online: www.consumer-action.org/publications/; click on “Privacy Rights” or “ID Theft”
- Federal Trade Commission (FTC): Information on identity theft, including what to do if your information has been stolen.
By phone: 1-877-ID-THEFT (438-4338) (toll-free)
Online: www.ftc.gov/idtheft/
- IdentityTheft.gov: The federal government’s one-stop resource for identity theft victims. The site provides streamlined checklists and sample letters to guide you through the recovery process.
Online: www.identitytheft.gov
- Identity Theft Resource Center: Fact sheets on dealing with identity theft, no-cost victim assistance, victim and consumer support, and public education.
By phone: 858-693-7935 or 1-888-400-5530 (toll-free)
Online: www.idtheftcenter.org
- Internal Revenue Service (IRS): Information on ID theft prevention, detection and victim assistance.
Online: www.irs.gov/Individuals/Identity-Protection
 - ID Theft Affidavit Form 14039: www.irs.gov/pub/irs-pdf/f14039.pdf
- OnGuard Online: Information about Internet fraud.
Online: www.OnGuardOnline.gov
- Medical Identity Theft: *See the “Patients Rights” section of the Health Care chapter in this Handbook for information and resources.*

- Privacy Rights Clearinghouse: Publications about privacy and identity theft.
By phone: 619-298-3396
Online: www.privacyrights.org
- *Taking Charge: What to Do If Your Identity Is Stolen*, by the Federal Trade Commission (FTC): Detailed instructions on how to deal with identity theft.
Online: www.consumer.ftc.gov/articles/pdf-0009-taking-charge.pdf
- Washington Attorney General's Office: Information about identity theft, what to do if your identity has been stolen, and new tools under Washington's tough identity theft law.
By phone: 1-800-551-4636 (Consumer Hotline) (toll-free)
Online: www.atg.wa.gov/identity-theftprivacy
- Washington State Department of Financial Institutions: Information for consumers about identity theft.
By phone: 1-877-746-4334 (toll-free)
By email: webguy@dfi.wa.gov
Online: <http://dfi.wa.gov/financial-education/information/identity-theft>

Filing a Fraud Alert (If you are a victim of identity theft)

- Credit Reporting Companies: Calling one company will put a 90-day Fraud Alert on your name automatically with all three companies
 - Equifax: 1-800-766-0008 (toll-free)
 - Experian: 1-888-EXPERIAN (397-3742) (toll-free)
 - TransUnion: 1-800-680-7289 (toll-free)

Insurance

Do I Need Car or Automobile Insurance?

If you own a car, Washington State law requires you to have liability insurance. Liability insurance insures both the owner of the car and any person using the car with the owner's permission. The policy must describe the cars that are insured. The policy pays for loss when you are legally liable for damages. Your automobile liability policy must provide the following minimum amounts of money to pay injured parties: \$25,000 for one person/one accident; \$50,000 for two or more persons/one accident (but no more than \$25,000 to any one person); and \$10,000 for property damage. You must keep proof of your insurance in your car.

If you own a car, you must be offered the chance to purchase Personal Injury Protection (PIP) coverage when you get a new automobile policy or renew your policy. PIP coverage provides benefits for you if you are injured in a car accident. Benefit categories and amounts are set by state law. The benefit categories are loss of wages, medical and hospital expenses, funeral expense, and loss of services.

You must also be offered the chance to purchase Underinsured Motorist (UIM) coverage when you get a new policy or renew your policy. UIM pays if you are injured by a motor vehicle that is not insured or if your injuries exceed the limits of liability of all the other insurance that is available to you. UIM may also include coverage for damage to property.

If you own a car, you may also buy insurance, called collision coverage, to protect the car from property damage caused by an accident other than with another moving vehicle, such as a collision with a telephone pole or rock damage to a windshield. If you borrowed money to buy the car, the bank or lender will usually require you to pay for property damage insurance until the loan is paid.

In Washington, insurance companies are required by law to give discounts to seniors who take a safe driving course. Contact your insurance office for more information about the discounts and where courses are offered in your area.

Be careful when buying insurance on the Internet. You should confirm that the insurance company and agent are licensed to sell the type of insurance you are trying to buy.

If you feel that you or someone you know can no longer safely operate a motor vehicle, you can submit a Driver Evaluation Request through the Department of Licensing. See *"Can My Driver's License Be Taken Away?"* in the *Cars* section of this chapter.

Do I Need Homeowners' Insurance?

Homeowners' insurance pays for financial loss when your house, other structures on your property, and personal property are damaged or destroyed. A covered cause of loss, such as fire, is a cause that is named in the policy. Floods and earthquakes, for example, will not be covered unless you request the coverage, and it will likely be expensive. The policy generally pays for some living expenses if you have to live elsewhere because your home is damaged by a covered cause of loss. Homeowners' insurance also pays for property damage or bodily injury when you are determined to be legally liable for the damage. If you have a mortgage on your home, the mortgagee (the lender) will want a "loss payable" endorsement included in the insurance policy. This endorsement requires that the insurance proceeds for a property loss be paid first to the mortgagee up to the outstanding amount of the mortgage.

Do I Need Renters' Insurance?

Renters' insurance covers your personal property when you are renting your living space and also covers any improvements that you made. Renters' insurance can also cover your property that is damaged or stolen outside of your home, like any property you have in your car, your purse or wallet, etc. Renters' insurance does not insure the building. This insurance also includes personal liability coverage to pay for claims for bodily injury or property damage if you are determined to be legally liable for the damage. You are not required to have renters' insurance. *For more information, see Washington State Office of the Insurance Commissioner listed in Resources at the end of this section. On the Commissioner's website, find renter insurance information on the "Home insurance" page.*

Do I Need Life Insurance?

Life insurance pays money after the death of the "insured" (the person who is covered by the insurance policy) to the "beneficiary" (the person or persons named in the insurance policy to receive the money). You can generally buy life insurance in almost any amount. Think about costs your family might have, such as bills and funeral expenses, and how the loss of your salary or other income may affect them. The cost of life insurance will be more expensive as you get older. You will likely have to give medical information and may have to be examined by a doctor or nurse to get life insurance. Life insurance is more expensive for people who have health problems or people who are at risk for health problems, such as smokers. If you don't pay your insurance premium on time, you will not be covered and your policy may be canceled.

There are two basic types of life insurance:

- **Term life insurance:** This type of insurance covers the insured for a specific period of time, such as 10, 20, or 30 years. If the insured dies during the time he or she is covered, the beneficiary receives the insurance money. There is no cash value for term life insurance. If the insured does not die or if the insured cancels the policy during the coverage period, he or she does not get any money.
- **Whole life, universal life, and variable life insurance:** These are types of "cash value" life insurance. Cash value means that the policy is worth money, so you may be able to get money during your life by cashing in the policy or taking a loan against it. Cash value life insurance is more expensive than term life insurance.

Do I Need Travel Insurance?

Travel insurance pays for financial loss from trip cancellation, delay, or interruption. It may also cover medical emergencies, loss of personal property, and costs associated with death. For seniors, travel insurance can be expensive, depending on your age and the cost of your trip. Before you buy travel insurance, you should review your other policies to determine whether they already cover your personal property while traveling. If you book your trip using a credit card, ask the credit card company what protections it may automatically offer you. If you receive Medicare, you may need coverage for medical care and prescriptions while you are outside the United States.

Do I Need Health Insurance or Long-Term Care Insurance?

See the Health Care chapter and the Long-Term Care chapter of this Handbook.

What If I Have a Complaint about My Insurance Company?

Insurance companies are regulated by the Washington State Insurance Commissioner. The regulations require insurers to settle claims fairly. The Washington State Office of the Insurance Commissioner will investigate your complaint. *See Resources on the next page for more information.*

Resources

Information about Insurance

- Consumer Action: Publications about insurance in multiple languages.
By phone: 415-777-9635
Online: www.consumer-action.org/publications/; click on “Insurance”
- Insurance Information Institute: Offers information and articles for insurance consumers.
Online: www.iii.org
- Washington State Office of the Insurance Commissioner: Offers consumer information and resources about all types of insurance.
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov; for information on the different types of insurance, click on “Your insurance” then select from the list

Complaints

- Washington State Office of the Insurance Commissioner: Call or go online to file a complaint.
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov/complaints-and-fraud/file-a-complaint/

Cars

This section gives an overview of some things you should know before and after buying a car.

Buying a Car

What Do I Need to Know before Buying a Car?

What are the features you need in a car? Decide whether you need features such as cargo space for a walker, wheelchair access, air conditioning, easy-to-use door handles and controls, automatic transmission, four-wheel-drive, etc.

How much money do you have to spend? Consider the cost of insurance, maintenance, and gasoline as well as the price of the car. Dealerships will often help buyers find financing, but you might qualify for an auto loan from your credit union, bank, or finance company, which may be a better deal. Look into financing before going to the dealership, and think carefully about taking on the debt. *Read the “Credit and Debt” section in the Personal Finances chapter in this Handbook.* You may also be able to trade in a vehicle you already own to cover part of the cost.

Who do you want to buy from? If you choose to buy from a dealership, it helps to get referrals from trusted friends or family. You can also contact your local Better Business Bureau and see if the dealer is a member in good standing. *See “What Do I Need to Know about Buying a Used Car?” later in this section for tips on buying from a private seller.*

Should I Lease Instead of Buy?

Leasing a car is like renting a car long-term. You pay a set amount of money each month for a number of months, then you have to give the car back. This is a good option for some people, like if a car is needed for only a short time. There are fees if you go over the mileage limit or return the car with excess wear and tear. You may be able to buy the car after the lease is over, but you will have to pay what is called the “residual value,” which can be a lot of money.

The lease agreement is a contract. Carefully read and understand all the terms of the lease, ask if there are any upfront costs, and find out if you qualify for any factory rebates. In addition to the payments, you will have certain duties under the lease agreement, like non-warranty repairs and maintenance and keeping full coverage insurance.

Ending your lease early can be very expensive. You may have to pay large penalties or all payments under the lease. You will not be able to simply return the car and stop making payments.

What Do I Need to Know Before I Sign a Contract to Buy a Car?

Read the “Contracts” section of this chapter, and keep in mind the following:

- Read and understand each document before you sign. Get a copy of each document.
- Never sign a contract with blank spaces.
- You do not have to buy extras like credit insurance or a service contract to get your loan approved or to get a specific term.

- If they talk about monthly payment options, ask about the interest rate, amount financed, and length of loan for each option. Understand how extras will change the monthly payment.
- Get all verbal promises in writing.
- If your contract states “subject to financing,” consider leaving the car there until the deal is final (accepted by the bank in writing). If the dealer does not finalize the sale in four working days, the contract must be redone and you have to return the car if you have taken it.
- There is no three-day right to cancel once you sign the contract, unless there is fraud.

What Do I Need to Know About Buying a Used Car?

You have more legal protection if you buy from a licensed dealer versus a private seller, but either way there are certain things to think about when buying a used car:

- Be extra careful when buying a vehicle from a private seller. Do they own the car? For how long? Did they buy it new? What is the vehicle’s mileage? What major work has been done on the vehicle? Are there receipts? Ask to see the title and the vehicle’s VIN (Vehicle Identification Number). Check for liens against the vehicle by contacting the Department of Licensing. Use the VIN to learn the ownership history and any past title problems, accidents, or repairs. *See Resources at the end of this section to find information about title fraud.*
- Have a mechanic you trust do a thorough buyer’s inspection of the vehicle, and make sure the vehicle can pass the emissions test. Dealerships are often willing to pay for buyer’s inspections.
- Watch for odometer fraud. Rolled-back odometers often have misaligned numbers.
- Keep a written record of your purchase. Keep all paperwork, including purchase orders, canceled checks, warranty agreements, and agreements about payments. Keep the names, phone numbers, titles, and business cards of all the people you do business with at the dealership.
- If there is a warranty, get the name of the company that is providing all warranty work and a copy of the underwriter’s warranty agreement. If the seller offers you a separate warranty or an auto service contract, you should negotiate the price with the seller and carefully read what is and is not covered under the contract. *See “What Is an Auto Service Contract?” later in this section.*
- Be sure to transfer the title. *See “What Do I Need to Do When I Sell or Transfer My Car?” later in this section.*

Owning a Car

Do I Have to Buy Car Insurance?

Yes. Washington law requires you to insure your vehicles. *See the “Insurance” section in this chapter.*

I Bought My Car Outside Washington. Is There Anything I Should Know?

Yes. Certain vehicles must meet strict clean air standards. If you bought your vehicle outside Washington, it is your responsibility to make sure your new car meets Washington’s standards. *See Resources at the end of this section.*

What Do I Need to Do When I Sell or Transfer My Car?

Everyone listed on the title must sign it in the appropriate space. The title then goes to the new owner. For cars less than 10 years old, fill out the odometer disclosure statement on the back side of the title.

Give a Report of Sale to the Department of Licensing within five business days. If you don't, you can be held responsible for anything the new owner does with the car. Make sure the Department of Licensing has your current address, so you can receive any notices and fix mistakes in time. *See Resources at the end of this section.*

What Is an Auto Service Contract?

An auto service contract is an agreement to pay in advance for certain repairs or services. Sometimes called an extended warranty, it is not a warranty as defined by law. Auto service contracts are sold by vehicle manufacturers, auto dealerships, or independent providers.

If you want to buy a service contract, shop around and read the terms very carefully so you understand just what you're buying. Make sure you understand the repairs or services that will be covered, for how long, who makes the repairs, and whether you will have to pay a deductible or be reimbursed for the repairs. You can cancel a service contract at any time during the life of the contract.

The Federal Trade Commission urges you to be careful about mail or phone calls you get warning that the warranty on your car is about to expire. Most of these are scams. *See the "Consumer Scams and Fraud" section in this chapter of the Handbook for information on types of scams.*

Where Can I Learn About Recalls?

You can check if there have been any recalls of your car on www.safercar.gov, or call the National Highway Traffic Safety Administration at 1-800-424-9393 (toll-free).

What Do I Need to Know About Repairing My Car?

If your car is still under warranty, check with the manufacturer to see if there is anything you need to do before you have repairs done. If your car is no longer under warranty, get referrals for a good auto shop from trusted family and friends. You can also check with your local Better Business Bureau and the American Automobile Association to find repair shops. For more information on your legal rights, dealing with repair shops, and resolving complaints, see the Washington Attorney General's website. *See Resources at the end of this section.*

What Is the Lemon Law?

If you bought a new vehicle in Washington, and it continues to need a lot of repairs under warranty, it may qualify as a "lemon." You can request a free arbitration hearing through the Washington Attorney General's office to see if your car qualifies. The Washington Attorney General's website has information on the Lemon Law, the Motor Home Lemon Law, working with dealers, and arbitration. *See Resources at the end of this section.*

In general, the Lemon Law does not apply to used vehicles. But you should consult the Washington Attorney General's office to see if your used car qualifies. Your car may qualify if you purchased the car within two years of delivery to the original retail consumer, and within the first 24,000 miles of operation of the vehicle. Nonetheless, every used car sold by a dealer in Washington has an "implied warranty of merchantability." That means that your car should, for a reasonable amount of time after purchase, be safe to drive, be without large defects, and be of average quality compared to similar cars in the same price range. Read more about implied warranties on used cars on the Washington Attorney General's website.

What If I Can't Make a Payment?

Don't wait until your loan has been turned over to a debt collector. Contact your lender as soon as possible, and be honest about the situation. If you've been a good customer and made your payments on time in the past, your lender may be willing to postpone a payment and allow you to keep the car. If you can reach an agreement to change the contract, get those new terms in writing.

Think about refinancing. You may be able to negotiate a lower interest rate or spread out the payments on your auto loan over a longer period of time, resulting in lower payments.

If you owe less than the car is worth, you could sell it and use the cash to clear your debt. Before selling, review your financing agreement to see if the lender charges penalties for paying off your loan early.

Your lender does not have to notify you before your car is repossessed. Even if you return the car voluntarily, you still are responsible for paying any outstanding debt on the loan, as well as the lender's cost of the repossession, and your creditor still may enter the late payments or repossession on your credit report. *For more information, including what happens if your car is repossessed, see the Washington Attorney General's website listed in Resources at the end of this section.*

Can My Driver's License Be Taken Away?

If someone thinks you are no longer able to safely drive, a Driver Evaluation Request can be submitted through the Washington Department of Licensing.

The person filling out the request will need to be specific as possible about your driving abilities and any medical or vision conditions. The Department of Licensing will not accept second-hand information or anonymous letters. Supporting documentation can be included with the Driver Evaluation Request. Your age is not a determining factor, because medical or vision conditions can impact a driver's ability to operate a motor vehicle at any age.

After the Department of Licensing receives the Driver Evaluation Request, it will send you a medical or vision certificate asking for more information from your doctor or eye care practitioner. The Department of Licensing may require you to re-take the driving knowledge and skills portion of the driver's test. If the Department of Licensing determines that you are a threat to public safety, your driving privileges may be canceled.

Be aware that any information reported to the Department of Licensing about drivers is not confidential and will be provided to the driver or his or her lawyer upon written request. However, don't let that stop you from intervening when safety is at risk.

Resources

Buying and Leasing Cars

- *Buying a Car: A Guide*, by the Washington State Auto Dealers Association
By phone: 206-433-6300
Online: www.wsada.org/client/assets/files/Uploads/buying_a_car.pdf
- Federal Trade Commission (FTC) publications:
By phone: 1-877-FTC-HELP (382-4357) (toll-free)
Online: www.consumer.ftc.gov/topics/buying-owning-car
 - *Are Car Ads Taking You for a Ride?*
 - *Auto Service Contracts and Warranties*
 - *Buying a New Car*
 - *Buying a Used Car*
 - *Vehicle Repossession*
 - And many more
- *Get a Car Loan That's In Your Best Interest*, by Consumer Action (available in multiple languages)
By phone: 415-777-9635
Online: www.consumer-action.org/publications; click on "Automobiles"
- *Tips For Buying a Vehicle*, by the Washington State Department of Licensing
By phone: 360-902-3770
Online: www.dol.wa.gov/vehicleregistration/tipsbuyingcar.html
- Washington Attorney General's Office: Information and brochures on buying and leasing a car. Brochures also available in Spanish.
By phone: 360-753-6200
Online: www.atg.wa.gov/cars-o; see the topics under "Cars" in the menu at right (to view this list on smaller screens, click on the drop-down menu under "Consumer Issues A-Z")
- Washington State Department of Licensing, Dealer Division
Online: www.dol.wa.gov/business/vehiclevesseldealer/dlrcontact.html

Selling or Transferring Your Car

- *Reporting the Sale or Transfer of Your Car*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on "Consumer & Debt," then click on "Auto: purchasing, repairs, towing, insurance"
- Washington State Department of Licensing
By phone: 360-902-3770
Online: www.dol.wa.gov

Pricing, Reviews, Ratings, and Advice Online

- Edmunds: www.edmunds.com
- Internet Auto Guide: www.internetautoguide.com
- Kelly Blue Book: www.kbb.com

Vehicle History and Liens

- *Consumer Action Handbook*, by the U.S. General Services Administration's Federal Citizen Information Center (also available in Spanish)
By phone: 1-888-872-4681 (toll-free)
Online: <http://publications.usa.gov/USAPubs.php>; type in the title in the search box under "Enter Search Text"
- National Insurance Crime Bureau VIN check: To check if a vehicle has been stolen or in an accident.
Online: www.nicb.org/theft_and_fraud_awareness/vincheck
- National Motor Vehicle Title Information System: Offers odometer, theft, title, VIN, and salvage information.
Online: www.vehiclehistory.gov
- Washington Department of Licensing Public Disclosure Office: Check vehicle titles.
By phone: 360-902-3770
- Washington Department of Licensing: Information on title fraud.
Online: www.dol.wa.gov/vehicleregistration/fraud.html

Safety

- AARP: Information on safety, safe driving courses, and how to know when it is time to stop driving.
By phone: 1-888-OUR-AARP (687-2277) (toll-free)
Online: www.aarp.org/auto/
- USA.gov: Find links to and information about car safety.
Online: www.usa.gov/buy-a-car
- National Highway Traffic Safety Administration: For information about recalls.
By phone: 1-800-424-9393 (toll-free)
- Safer Car: Find links to crash test and recall information and publications.
By phone: 1-888-327-4236 (toll-free)
Online: www.safercar.gov
 - *Buying a Safer Car*; order by phone or go online and click on "Vehicle Shoppers," then "Resources" at left, then "Buying a Safer Car brochures" at right.

Fuel Economy and Clean Air Standards

- Environmental Protection Agency: Information on fuel efficiency and emissions.
By phone: 734-214-4311
Online: www.epa.gov/greenvehicles
- Washington Department of Ecology: Washington Clean Car Information
By phone: NW region: 425-649-7000; SW region: 360-407-63001; Central region: 509-575-2490;
Eastern region: 509-329-3400
Online: www.ecy.wa.gov/programs/air/cleancars.htm
- U.S. Department of Energy: The official U.S. government source for fuel economy information.
Online: www.fueleconomy.gov

Auto Service Contracts

- *Auto Service Contracts*, by the Federal Trade Commission (FTC)
By phone: 1-866-653-4261 (toll-free); TTY: 1-888-327-4236 (toll-free)
Online: www.consumer.ftc.gov/articles/0054-auto-service-contracts-and-warranties
- Washington State Office of the Insurance Commissioner: To file a complaint.
By phone: 1-800-562-6900 (toll-free)
Online: www.insurance.wa.gov/complaints-and-fraud/file-a-complaint/

Lemon Law and Implied Warranties

- Washington Attorney General's Office Lemon Law Administration line
By phone: 1-800-551-4636 (Monday – Friday 10 am – 3 pm) (toll-free)
Online: www.atg.wa.gov/general-lemon-law
- *Used Car Purchases: What to do When Your Car Doesn't Work Properly*, by Northwest Justice Project (also available in Spanish)
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then click on “Auto: purchasing, repairs, towing & insurance”

Repossessions

- *Vehicle Repossessions*, by the Federal Trade Commission (FTC)
By phone: 1-866-653-4261 (toll-free); TTY: 1-888-327-4236 (toll-free)
Online: www.consumer.ftc.gov/articles/0144-vehicle-repossession
- Washington Attorney General's Office
By phone: Consumer Protection: 1-800-551-4636 (toll-free) (in-state only) or 206-464-6684 (out-of-state callers); TTY: 1-800-833-6388 (toll-free) (all call centers are open Monday through Friday, 10 AM to 3 PM)
Online: www.atg.wa.gov/repossessions

Repairs

- American Automobile Association: AAA approved auto repair shop listings by city.
By phone: 1-800-562-2582 (toll-free)
Online: www.aaawa.com/automotive/; click on “Auto Repair”
- Better Business Bureau: Search for auto repair and services in your area.
By phone: 206-431-2222 or 253-830-2924 or 503-212-3022 or 907-562-0704 (9 AM to 3 PM)
Online: <http://alaskaoregonwesternwashington.bbb.org/find-business-reviews/>
- Washington Attorney General’s Office
By phone: 360-753-6200
Online: www.atg.wa.gov/cars-o

Utility Service Providers

What Is a Utility Service Provider?

Utility service providers make gas, electricity, and water available to your home. Utility providers also make landline phones, cell phones, cable television, and Internet service available to you. These service providers are regulated by different agencies depending on the type of utility and whether it is a public or private utility.

What Is the Difference between Public and Private Utility Service Providers?

A “public utility” is a public utility district (PUD) or a governmental agency (such as a city or county) that provides water, electricity, or gas. To find out whether your services are public or private, call the company or the Washington Utilities and Transportation Commission (WUTC). *See Resources at the end of this section.*

In a “private utility,” service is provided by a private company or source, such as a community well of a homeowners’ association, a cooperative such as Inland Power and Light, or a privately owned utility company, such as Puget Sound Energy, Pacific Power and Light, Avista, Cascade Natural Gas, Northwest Natural Gas, or Washington Natural Gas. Privately owned utilities are regulated by the WUTC, and you may have additional rights.

How Do I Choose My Utility Service Provider?

You will generally not have a choice about the providers of gas, electricity, and water to your home. Your provider will be determined based on where you live.

You may have some choice about your phone, Internet, and/or cable-television provider. When deciding which provider to use, you should consider questions such as what kind of features you want to have, how much you can afford to pay, and the quality of service.

What If I Disagree with My Bill from a Public Utility?

Any time you disagree with the amount of your bill, call your provider right away. State the reason you disagree and, if the problem can’t be fixed, you may want to request an administrative hearing in writing. Many providers have deadlines for requesting hearings after receiving the bill. Find out what the deadlines are in your situation by looking at your bill or calling the service provider..

If your bill is too high because of a water leak or other emergency situation, many providers will work with you to make a payment plan and/or cancel part of the charge. Call the provider and explain what happened. The provider does not have to work with you, so the more polite you are, the better your chances. That said, be persistent; ask to speak to a supervisor if the agent you are talking to denies your request.

What If I Have a Dispute with a Private Utility Service Provider?

If you have a dispute with a private utility company, first try to resolve it with the company. Many disputes can be resolved by asking for a supervisor. If you are unable to resolve the issue, you can contact the WUTC, but only about private utilities. You must continue to pay the undisputed parts of your bill.

How Do I File a Complaint with the WUTC?

When filing a complaint with the WUTC, provide as much information as you can, including the company name, dispute or issue, and steps you have taken to resolve the issue. *See Resources for more information about complaints.* When the investigation is complete, WUTC staff will contact you to discuss the results. They may also contact you during the investigation with questions.

What If I Have Trouble Paying My Utility Bill? What If My Service Is Being Disconnected?

If your private utility service is about to be disconnected, call the WUTC. *See Resources below. See also the “Assistance with Paying for Utilities” section in the Housing chapter of this Handbook for information on programs that can help you pay for utilities.*

Resources

Utility Information

- Washington Attorney General’s Office “Consumer Help” webpage: Provides links to utility information for consumers.
By phone: 1-888-333-9882 (toll-free)
Online: www.atg.wa.gov/consumer-help
- *Consumer Guide: Utility Services*, by Washington Utilities and Transportation Commission (WUTC): Information on how to set up service, deposits, disconnection rules, and how rates are set.
By phone: 1-888-333-WUTC (9882) (toll-free)
Online: www.utc.wa.gov/consumers/Pages/consumerPublications.aspx
- *Public Utilities*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer and Debt,” then “Energy assistance, utilities and telecommunication”

Cell Phones

- Washington Attorney General’s Office: Provides tips for buying a cell phone.
By phone: 1-800-551-4636 (toll-free)
Online: www.atg.wa.gov/cell-phones

Free Cell Phones for Low-Income Individuals

- *See Resources in the “Assistance with Paying for Utilities” section in the Housing chapter of this Handbook.*

Filing a Complaint

- Washington Utilities and Transportation Commission (WUTC): Call or go online to file a complaint against a private utility.
By phone: 1-888-333-WUTC (9882) (toll-free)
Online: www.utc.wa.gov/FileAComplaint
- Washington Attorney General's Office: Provides information on where to file complaints.
By phone: 1-800-562-6150
Online: www.atg.wa.gov/consumer-help



CHAPTER 7

Housing

Homeowners

If you own your home, it is probably your most valuable asset. Even if you have a lot of debt, your home can be a source of financial security. This section is about protecting your home investment.

Buying, Selling, or Transferring Your Home

What Do I Need to Know About Selling My Home or Purchasing One?

Any time you think about selling or buying a home, it is important to work with an experienced real-estate agent. An agent can help you meet the legal requirements for buying or selling a home. If you are selling, an agent will advise you on pricing, make sure the house is listed widely, hold open houses, and help you find the best buyer and the best terms of sale. If you are buying, an agent will help you find a house and negotiate a price and the terms. In some cases, you may also need to get advice from a real-estate lawyer.

Your real-estate agent can also help arrange for a title company to prepare a report showing any problems with the title, such as debts or liens against the property. An escrow agent or a real-estate lawyer can prepare documents, arrange for payment, and resolve issues that come up in the title report. You will also need an experienced home inspector. Your real estate agent may provide recommendations, but it is your choice.

What Are “Disclosures” When Selling My Home?

As a seller, you will be asked to fill out a disclosure form (“Form 17”) with questions about the condition of your home and property. It may be tempting to answer “no” or “don’t know” to many of these questions, but beware: if you do not answer the questions with complete honesty, you could be sued. Only answer “no” if you are absolutely sure. For example, if you think there might be an old underground oil tank on your property, include that in your answer to the question about underground tanks.

Should I Transfer Ownership or Give Away My Home?

Think very carefully before you transfer ownership of your home to your children or others. This can be very risky for you. *For more information, see the “Estate Planning” section in the Planning for the Future chapter of this Handbook.*

There are many ways to make a transfer. One type of transfer uses a Quit Claim Deed where you make no guarantees about whether there is debt or other claims on the property. By signing the deed, you are transferring whatever claim you had on the property to the next owner. Be very careful because you can't take back the property once you sign a Quit Claim Deed. Another type of transfer is a "life estate," which gives you the right to live on the property until you die. However, a life estate has many risks, and also may affect your eligibility for Medicaid. It is best to hire a lawyer to be sure that a transfer is right for you and that it is done properly. Beware: transferring your interest in property may also accelerate your mortgage, which means the full amount will be due right away. The bank can agree to waive the acceleration, but this should be done before making a transfer. *See Resources at the end of this section.*

Home Loans

How Can I Avoid Foreclosure?

If a loan is "secured" by your home, like your mortgage, the lender has the right to take your home if you are unable to make payments. The lender will then sell it to try to recover the money they loaned you. This is called "foreclosure."

Lenders rarely make enough money on foreclosures to pay off the debt. Because of that, most lenders are willing to work with you to avoid foreclosure. If you are having trouble paying your mortgage or another loan secured by your home, talk to your lender about lowering your payments.

Also ask your lender if they participate in the federal Home Affordable Modification Program (HAMP). HAMP lowers your monthly mortgage payment to 31 percent of your monthly gross (pre-tax) income. You may be eligible if the home is your primary residence, you got your mortgage before 2009, and you have a financial hardship and are either delinquent or in danger of falling behind on payments. There are other qualifications you must meet. Ask your lender for information on how to apply. You do **not** have to miss a payment to qualify. Make sure that you get any agreement in writing.

You may also have rights under the state Homeowner Assistance and Protection Act that went into effect in July 2011. Under this law (RCW 61.24.008 and 61.24.160), if you request a meeting with your lender, they must meet with you in person. The lender must give you telephone numbers for housing counselors who will help you prepare for the meeting and give you advice. The counselor may also refer you and your lender to mediation. During mediation, it will be important to keep up-to-date financial records. If you don't, it may affect what help the lender is able to give you.

If necessary, you could try to sell your house yourself to avoid foreclosure. It is possible that you will still not have enough money after selling your house to pay off the loan. This is called a "short sale." Short sales, however, can be less damaging to your credit than a foreclosure and should be considered as an alternative. *See the Northwest Justice Project publication "A Homeowners Guide to Short Sales" listed in Resources at the end of this section.*

If foreclosure looks like it can't be avoided, consider talking to a bankruptcy lawyer as early as possible. *See the "Personal Bankruptcy" section in the Personal Finances chapter of this Handbook for more information.*

Should I Refinance My Home?

"Refinancing" means taking out a new loan to pay off your old loan. It is often used to lower the interest rate and monthly payment on a mortgage. There are often high fees, called "closing costs." However,

refinancing can save homeowners so much money that the closing costs are worth it. In general, if the interest rate on your mortgage is at least one percentage point higher than the current market interest rate, refinancing is worth considering. If you are close to paying off your mortgage or selling your home, refinancing might be worth it only if you can find a lender willing to waive the closing costs. *See the Idaho Legal Aid Services publication “What You Should Know about Refinancing” listed in Resources at the end of this section. Also see the “Credit and Debt” section of the Personal Finances chapter in this Handbook.*

What Are Home Equity Loans and Second Mortgages?

Home equity loans and second mortgages are loans you can get on your property in addition to your first mortgage. The interest on both loans is tax deductible, and interest rates may be lower than other types of loans. However, you will own less of your home and your chances of foreclosure are higher if you can't make your monthly payments.

What Is a Reverse Mortgage?

A reverse mortgage is a home loan that you do not have to pay off as long as you live in your house. However, the interest rates are usually very high, so you will pay a lot when you finally sell the house. Reverse mortgages also have special acceleration terms that can make the full mortgage due right away when the owner passes away or is not living at the house anymore. This can cause problems if you are hospitalized or need to temporarily move into an assisted living facility. It is best to talk with a lawyer before agreeing to a reverse mortgage. *See the “Reverse Mortgages” section in the Personal Finances chapter of this Handbook for more information.*

How Can I Protect Myself from Predatory Loans?

Do not feel pressured into taking out a loan you cannot afford or signing a deal you don't understand. Predatory lenders may try to convince you to lie on your loan application or borrow more money than you can afford. If you borrow more than you are able to pay back, you are at risk of foreclosure. Predatory lenders sometimes convince homeowners to refinance in order to get extra money for a vacation or a home improvement. Repeated refinancing, however, could lead to foreclosure. Sometimes a home-improvement contractor will offer to arrange financing, and the “financing” turns out to be an unwanted home equity loan.

What Is a Foreclosure “Rescue Scam”?

If you are at risk of foreclosure, you may be contacted by someone who offers to take over your mortgage in exchange for monthly payments. This is a foreclosure rescue scam, and you could end up losing all the mortgage payments you have made (equity), or losing your home altogether. If you are having trouble making your mortgage payments or are at risk of foreclosure, contact your lender directly to try to find a solution.

Property Taxes

What Is a “Tax Sale”?

If you have not paid property taxes, the county may foreclose on your property. If you receive notice that your home may be foreclosed for delinquent (unpaid) taxes, you have until the day before the tax sale to pay the delinquent amount and keep your home. If you have a mortgage, contact your lender immediately, as it is in their interest to help you avoid a tax sale. If you do not understand why you have received a tax-sale notice, call your county assessor or a lawyer immediately.

How Can I Get a Property Tax Deferral or Exemption?

If you are a low-income senior aged 61 or older, by Washington State law you may qualify for either a property tax exemption or a tax deferral (to pay later). With the tax exemption you will pay some property tax, but it will be less than the regular tax depending on your income and the value of your home. You do not have to repay this tax exemption.

A tax deferral can help a low-income senior by delaying tax payments (for example, until after the house is sold). The deferred taxes become a lien (a debt) on your property which must be paid back. For more information, contact your county assessor. *See Resources at the end of this section for contact information. Also see Resources for the Northwest Justice Project memo, “Property Tax Exemptions for Senior Citizens and Disabled People.”*

Home Repairs

What Should I Know About Home Repairs by a Contractor?

It may be tempting to hire a friend or relative to do repair work on your home, or hire a contractor whose prices seem too good to be true. But remember that your home is your most important investment. Get recommendations from people you trust. Ask contractors to give you written estimates for the repairs to be made, and compare several estimates.

Be sure that the contractor agrees to get all the required building permits and will do all the work to current code requirements. Ask for proof that they are registered, licensed, bonded, and insured—all are required by law. You should get a written contract that includes a list of the actual work which will be done; the total price including all labor and materials, taxes and permit fees (if needed); any payment terms; specific start and end dates; and what type of warranties the contractor gives on the work. A contractor must also give you a “Notice to Customer” disclosure statement for any home project worth \$1,000 or more. This legal notice tells you about liens that could be filed against your property if a supplier, worker, or subcontractor is not properly paid, and how to avoid a lien.

You can research the contractor at the Washington State Department of Labor & Industries website, which also has more information for homeowners hiring contractors. *The website is listed under “Hiring a Contractor, Home Repairs, Weatherization and Energy Assistance Programs” in Resources at the end of this section.*

Be wary of any contractor who solicits door-to-door, is not listed in the phone book, asks for large deposits in advance and only accepts cash, or suggests that she or he will find financing for you. These are clues that the contractor may not be working legally.

What Are Home-Repair Programs for Seniors?

Seniors may qualify for home-repair programs, weatherization, and energy-assistance programs. These programs are offered by county and city governments. *To find out more about the programs and whether you qualify, contact your local government and the resources provided in Resources at the end of this section.*

Manufactured/Mobile Homes

What Are My Rights and Responsibilities with a Manufactured/Mobile Home?

Some people who live in mobile-home parks own their homes and rent the land under the homes. There is a special law in Washington that protects the rights of manufactured-home owners. It is the Manufactured/Mobile Home Landlord-Tenant Act (RCW 59.20) (MHLTA).

Note: if you rent a mobile home but do not own it, your rights are covered under the Residential Landlord – Tenant Act (RCW 59.18); *see the “Landlord-Tenant Issues” section of this chapter for more information.*

If you live in a mobile-home park in Washington, you have certain rights and responsibilities, including:

1. You have the right to a one-year rental agreement.
2. That rental agreement automatically renews on the anniversary date that you moved into the park.
3. Your landlord needs a reason to evict you (make you move):
 - a. You can be evicted if you fail to pay rent or if you pay it late, but first your landlord must give you a five-day “pay-or-vacate” notice.
 - b. You can be evicted for not following the rules in the community, but first your landlord must give you a 15-day “comply-or-vacate” notice. The landlord should also offer to attend a mediation session with you so that you can try to settle the disagreement without fear of eviction.
 - c. You can be evicted if you get three pay-or-vacate notices or three comply-or-vacate notices within a 12-month period.
 - d. Your landlord can close the park at any time, but must give you 12 months’ notice.
4. Your landlord cannot make you pay for maintenance or repair of permanent structures, like sheds and carports, if these are the landlord’s responsibility. If you bought your own carport or shed, then you are responsible for it.
5. Your landlord cannot unreasonably refuse to let you assign (transfer) your rental agreement to someone else if they are buying your mobile home.
6. If you think your landlord is not following the MHLTA, contact the Washington Attorney General’s (AG) office, which has a Dispute Resolution Program for manufactured/mobile-home owners. *See the listings under “Manufactured/Mobile Homes” in Resources below.*

Resources

Buying or Selling Your House

- *A Homeowner’s Guide to Short Sales*, by Northwest Justice Project
Online: www.washingtonlawhelp.com; click “Housing,” then “Home buyers & owners”
- Apprisen (Tri-Cities and Walla Walla): Has a home ownership center for housing issues related to pre- and post-purchase and default counseling.
By phone: 509-737-1973 or 1-800-355-2227 (toll-free)
- Consumer Action: Publications about home ownership and foreclosure in multiple languages.
By phone: 415-777-9648
By email: info@consumer-action.org
Online: www.consumer-action.org/publications/; click on “Foreclosure,” “Housing,” or “Mortgages”

- InterIm CDA (International District Housing Alliance): Has a home ownership program that assists first-time buyers through process of purchasing a home, plus language services for Asian and Pacific Islanders. Their focus is on Asian, Pacific Islanders, low-income and elderly residents of King County, but there are no restrictions.
By phone: 206-623-5132
- Washington Homeownership Information Hotline: Housing counseling for WA residents considering buying a home, as well as current homeowners who are having trouble with their mortgage.
By phone: 1-877-894-4663 (toll-free)
- Washington Homeownership Resource Center (WHRC): Provides information, education, counseling and referral to encourage and support home ownership. WHRC emphasizes services to low- and moderate-income individuals and families.
By phone: 206-542-1243 or 1-877-894-4663 (in Washington) (toll-free)
Online: www.homeownership-wa.org
- Washington State Department of Financial Institutions: Offers information about homeownership and assistance for homeowners facing foreclosure.
By phone: 1-877-746-4334 (toll-free)
Online: www.dfi.wa.gov/homeownership/
- U.S. Department of Housing & Urban Development (HUD), Housing Counseling Line
By phone: 1-800-569-4287 (toll-free)

Foreclosure

- Consumer Action: Offers many publications about home ownership and foreclosure in multiple languages.
By phone: 415-777-9648
By email: info@consumer-action.org
Online: www.consumer-action.org/publications/; click on “Foreclosure,” “Housing,” or “Mortgages”
- *Foreclosure/Forfeiture*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Housing,” then click on “Foreclosure”
- Home Affordable Modification Program (HAMP) website: Information on government program designed to help homeowners stay in their homes.
Online: www.makinghomeaffordable.gov/steps/Pages/step-2-program-hamp.aspx
- Home Foreclosure Legal Aid: A legal-aid project for moderate income (statewide, there is no income requirement for phone line). Homeowners having trouble with house payments may be referred to local housing counselor to assist homeowner with a loan modification/workout agreement. If there are legal issues, the housing counselor may refer to Northwest Justice Project Home Foreclosure Legal Team.
By phone: 1-877-894-4663 (toll-free)
- Northwest Consumer Law Center: Provides free and low-cost services in Washington State for those facing civil legal issues, specifically foreclosure prevention, debt collection and other financial consumer issues.
By phone: 1-888-978-3386 (toll-free)
By email: admin@nwclc.org
Online: www.nwclc.org

- Northwest Justice Project Foreclosure Prevention Unit: A legal-aid project for low to moderate-income homeowners facing foreclosure.
By phone: 1-800-606-4819 (toll-free)
- Solid Ground: Free counseling for low-income King County residents on foreclosure and reverse mortgages for seniors. By appointment only. Call, email, or complete the online form to schedule an appointment.
By phone: 206-694-6766, or 1-866-297-4300 (toll-free) (message line; an intake specialist will return your call within two business days)
By email: housingcounseling@solid-ground.org
Online: www.solid-ground.org/Programs/Housing/Mortgages
- U.S. Department of Housing & Urban Development (HUD), Approved Housing Counseling Agencies: Provides a list of approved housing counseling agencies; the services provided by each agency may include debt management, mortgage-delinquency counseling, purchase counseling, predatory lending, and renters' assistance.
Online: www.hud.gov/offices/hsg/sfh/hcc/fc/
- U.S. Department of Housing & Urban Development (HUD): Free information and publications on mortgage payment relief and protection from foreclosure.
Online: www.hud.gov; click on "Audiences," then "Homeowners"
 - *Questions & Answers for Reservists, Guardsmen and Other Military Personnel*
 - *Tips for Avoiding Foreclosure*
- U.S. Department of Housing & Urban Development (HUD), Making Home Affordable Program: Eligible homeowners can get help to lower mortgage payments, avoid foreclosure, and more.
By phone: 1-888-995-4673 (toll-free); TTY: 1-877-304-9709 (toll-free)
Online: www.makinghomeaffordable.gov
- Washington State Department of Financial Institutions: Information about homeownership and assistance for homeowners facing foreclosure.
By phone: 1-877-746-4334 (toll-free)
Online: www.dfi.wa.gov/homeownership/

Hiring a Contractor, Home Repairs, Weatherization and Energy Assistance Programs

- Area Agency on Aging or Senior Information and Assistance, DSHS: Call your local office about senior home repair programs in your county.
By phone: look in your phone book or call DSHS at 1-800-572-4459 (toll-free)
Online: www.ada.dshs.wa.gov/Resources/clickmap.htm
- Federal Trade Commission (FTC): Information about hiring and working with a contractor. Also available in Spanish.
Online: www.consumer.ftc.gov/articles/0242-hiring-contractor

- U.S. Department of Housing & Urban Development (HUD), Home Improvements programs
By phone: 1-800-225-5342 (toll-free); TTY: 1-877-833-2483 (toll-free) (Monday through Friday, 8 AM to 8 PM EST)
Online: www.hud.gov; click on “Audiences,” then “Homeowners,” then “Home Improvements” under “Fixing up Your Home”
- Washington Department of Commerce, Weatherization Program
By phone: 360-725-4000
Online: www.commerce.wa.gov; click on “Programs,” then “Housing & Homeless,” and then “Weatherization Program”
- Washington State Department of Labor & Industries: Offers contractor verification, reporting, information and publications on hiring a contractor.
By phone: 1-800-647-0982 (toll-free)
Online: www.lni.wa.gov/TradesLicensing/Contractors/HireCon/default.asp
- *What To Do If You Are Not Satisfied With a Construction Contractor’s Work*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then click on “Contracts”

Home Loans (Mortgages)

- Federal Trade Commission (FTC) publications:
By mail: Federal Trade Commission, Consumer Response Center, 600 Pennsylvania Avenue NW, Washington, DC 20580 (send your name, address, telephone number, the titles of the publications, and how many copies you want)
Online: www.consumer.ftc.gov; click on “Homes & Mortgages,” and then “Home Loans”
 - *Home Equity Loans and Credit Lines*
 - *Making Payments to Your Mortgage Servicer*
 - *Trouble Paying Your Mortgage?*
 - *Using Your Home as Collateral*
- MakingHomeAffordable.gov: Website that provides a self-assessment tool to find out if homeowners are eligible for the Home Affordable Refinance Program (homes that have lost value) or the Home Affordable Modification Program (homes at risk of foreclosure).
By phone: 1-888-995-4673 (toll-free) (Homeowners HOPE hotline for urgent help)
Online: www.makinghomeaffordable.gov/
- Northwest Justice Project: Offers several publications for veterans and servicemembers.
Online: www.washingtonlawhelp.org; click on “Housing,” then on “Veteran and servicemember rights in housing and home loans,” then make a choice from the list
- Solid Ground: Offers free mortgage counseling for low-income King County residents.
By phone: 206-694-6766 or 1-866-297-4300 (toll-free) (message line; an intake specialist will return your call within two business days)
Online: www.solid-ground.org/get-help/housing/
- *What You Should Know about Refinancing*, by Idaho Legal Aid Services:
By phone: 208-336-8980
Online: www.idaholegalaid.org/node/1919/what-you-should-know-about-refinancing

- U.S. Department of Housing & Urban Development (HUD), Federal Housing Administration (FHA) Resource Center
By phone: 1-800-225-5342 (toll-free) or TDD 1-877-833-2483 (toll-free) (Monday through Friday, 8 AM to 8 PM, EST)
Online: www.hud.gov; click on “Audiences,” and then “Homebuyers” or “Homeowners” for a variety of publications on mortgages, predatory lending, and foreclosure
- U.S. Department of Housing & Urban Development (HUD), Approved Housing Counseling Agencies: Provides a list of approved housing counseling agencies. The services provided by each agency may include debt management, mortgage-delinquency counseling, purchase counseling, predatory lending, and renters’ assistance.
Online: www.hud.gov/offices/hsg/sfh/hcc/fc/

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- “LGBT Fair Housing Rights: Quick Tips for Renting and Homeownership,” a brochure by the Northwest Fair Housing Alliance
By phone: 509-325-2665
Online: www.nwfairhouse.org; click on “Protected Classes” in the menu at right, then “Sexual Orientation,” then click on the title of the brochure

Manufactured/Mobile Homes

- Association of Manufactured Home Owners (AMHO)
By phone: 425-772-5174 (Western WA), or 509-343-9624 (Eastern WA)
Online: www.wamho.org
- Department of Commerce, Mobile Home Relocation Assistance
By phone: 1-800-964-0852 (toll-free) or 360-725-2971
By mail: P.O. Box 42525, Olympia, WA 98504-2525
Online: www.cted.wa.gov/omh
- Manufactured Home Owners of America (MHOA)
Online: www.mhoa.net
By phone: 360-373-2436
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Housing,” then click on “Mobile home park tenants”
 - *Your Rights: Buying a Manufactured Home*
 - *Tenants Rights under the Manufactured/Mobile Home Landlord-Tenant Act*
- RCW (Revised Code of Washington) 59.20: Manufactured/Mobile Home Landlord-Tenant Act
In print: Visit your local public library or county law library (see the Legal Help chapter of this Handbook)
Online: <http://app.leg.wa.gov/RCW/default.aspx?cite=59.20>
- U.S. Department of Housing & Urban Development (HUD), Manufactured Housing Program: Responds to complaints from homeowners about the construction standards of mobile homes.
By phone: 1-800-927-2891 (toll-free)

- Washington State Attorney General’s Office, Manufactured Housing Dispute Resolution Program
By phone: 1-866-924-6458 (toll-free)
Online: www.atg.wa.gov; scroll down and click on “Manufactured Housing Dispute Resolution” under “Safeguarding Consumers”

Property Tax Exemption or Deferral

- *Property Tax Exemptions for Senior Citizens and Disabled People*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Seniors,” then click on “Other Information for Seniors”

Transferring Property

- *Quit Claim Deeds and Life Estates*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then click on “Home buyers & owners,” then click on “Home Loans”

Landlord-Tenant Issues

Both landlords and tenants can avoid unpleasant surprises if they know the law. “Tenants” are the renters who rent a place to live from the “landlords.” In Washington, most landlords and tenants are covered by the Residential Landlord-Tenant Act.

People NOT covered by this law are:

- Residents in hotels and motels
- Residents of hospitals, nursing homes, prisons, schools, or religious institutions
- Residents who are employed by the landlord (like property managers)
- Owners of mobile homes who rent space in a mobile home park (*see the “Homeowners” section of this chapter*)

There are also federal laws that all landlords and tenants in the U.S. must follow. Your county and city may also have landlord-tenant laws.

Some issues that both tenants and landlords should think about are discussed in this section.

Get Information About the Rental Property Before You Rent

Learn all you can about a residential unit before you agree to rent it. Ask the landlord, real-estate agent, other tenants, and neighbors about the property. Point out everything that may be a potential problem. Do not be afraid to ask questions about heating and cooling systems, pets, security, parking, utilities, existing property damage, and anything else you can think of that is important to you.

Screening

A landlord may run a “screening” to check on your rental, credit, and criminal history, but only if the landlord tells you about it in writing. The landlord may charge you a screening fee, but it can’t be more than the actual cost the landlord has to pay. If the landlord decides not to rent to you because of the screening, he or she must tell you the reason in writing. If the landlord doesn’t follow these rules, you can file a complaint or sue him or her for up to \$100 plus lawyer fees.

Understanding Rental Agreements

Most tenants have either a long-term lease or a month-to-month rental agreement.

Leases are for a specific amount of time, like 12 months. During that time, the rent cannot be raised and the rules cannot be changed, unless it is stated in the lease or you agree to it. The tenancy automatically ends after that time, and no notice is needed from either party. If the tenant stays beyond the end of the lease and the landlord accepts rent for the next month, the tenant becomes a month-to-month renter (described below). Leases must be in writing. A lease for more than one year must be signed and certified by a Notary. If the lease is for more than two years, it must be filed with the County Recorder.

Month-to-month rental agreements are for an indefinite length of time. The agreement can be oral or in writing, but if any type of fee or refundable deposit is paid, then the agreement must be in writing. A month-to-month agreement renews every month until either the tenant or the landlord gives proper notice to end it. *See “Ending the Landlord-Tenant Relationship” later in this section.* The agreement can be changed at any time with proper notice, generally 30 days.

You should always insist that your rental agreement be in writing. Carefully review all the terms with the landlord or tenant, a real-estate agent, a trusted friend, or a lawyer. Later, you can look to the rental agreement if you have questions. But there are certain basic legal rights that cannot be changed by anything in the rental agreement.

Deposits and Fees

Generally speaking, “deposits” are refundable and “fees” are not.

A landlord will probably ask a tenant for a security or damage deposit. This must be stated in the written rental agreement, and the agreement must explain how the tenant can get it back. The landlord is required to make a Condition Check-In List describing the property that is dated and signed by the tenant and landlord. The landlord must also give you a receipt for the deposit. The landlord must return the amount of the security/damage deposit within 14 days after the rental agreement ends, unless he or she gives you reasons for holding back the amount in writing. The landlord may keep amounts you owe for damage caused by you or your guests, or unpaid rent (from security deposits only). Deposits cannot be kept for normal wear and tear.

A landlord must clearly state in writing if there are nonrefundable fees for cleaning or tenant screening. If the funds are not meant to be refundable (like a cleaning fee), that cannot be called a deposit. A landlord may also charge an application or holding fee to hold the unit after it has been offered to you. If you decide not to move in, the landlord can keep the fee. If you do move in, the landlord must pay that amount toward your security deposit or first month’s rent.

A landlord who doesn’t do these things can be sued for damages and attorney’s fees.

Some Tenant Duties

- Pay rent and any agreed-upon utilities.
- Keep the residence clean and throw away garbage.
- Use appliances, plumbing, heating, and electricity properly.
- Maintain smoke detectors with batteries.
- Prevent infestation (mice, roaches, etc.) or pay for fumigation if the tenant caused it.
- Don’t carelessly damage the property.
- Follow local laws and don’t engage in illegal criminal activity.
- Leave the property as found, except for normal wear and tear.

Some Landlord Duties

- Maintain the property within the standards of housing and health codes.
- Keep roof, floors, and walls structurally sound and weather-tight.
- Provide adequate locks and keys.
- Keep common areas reasonably clean and safe.
- Provide necessary heat, electricity, plumbing, and water.
- Make repairs when something breaks, unless it is caused by normal wear and tear.
- Control infestations, except when caused by the tenant or in a single-family dwelling.
- Provide for garbage disposal, except for single-family dwellings.
- Provide smoke detectors.
- Provide information about health hazards as well as emergency, and fire safety measures.
- Don’t shut off utilities, except for making repairs.

Some Tenant Rights

Every tenant has these basic rights:

- The right to a livable dwelling.
- The right to not be discriminated against by the landlord.
- The right to not be locked out of your dwelling or have your personal property taken by the landlord.

There may be more rights, depending on where the property is located. *For more information, see listings under “Housing Discrimination” and “Landlord-Tenant Law” in Resources at the end of this section.*

When the Rental Unit Needs Repairs

The tenant must give written notice to the landlord describing the needed repair. The landlord is allowed a reasonable amount of time to fix the problem, which means:

- 24 hours to restore hot or cold water, electricity, or heat, or to fix something that is life-threatening, or
- 72 hours to repair a broken refrigerator, stove, oven, or plumbing, or
- 10 days for all other conditions that violate the local housing code.

If repairs are not started within the required time, and the tenant is up-to-date with the rent and utility payments, the tenant can do one of these things:

- Give written notice to the landlord to end (terminate) the lease and move out.
- Sue the landlord for damages—the tenant can hire a lawyer, go to small claims court, or agree with the landlord to settle the dispute in arbitration.
- Repair the problem and deduct the cost from the rental payment. The repair can be done by the tenant or a licensed contractor, depending on the kind of problem it is. The tenant must follow very specific procedures to use this option. *See Resources at the end of this section for more information on your rights and getting repairs done on your rental unit.*

When the Landlord Can Enter the Property

In general, the landlord must give two days’ notice to enter the property, including the date(s) and time period. The landlord only has to give one days’ notice to show the property to possible new renters. If there is an emergency, the landlord does not need to give notice. The tenant must allow the landlord to repair, improve, or service the property.

Discrimination

The Federal Fair Housing Act protects everyone in the country from housing discrimination. A tenant’s race, gender, national origin, religion, familial status, and disability status may not be used to deny housing. (The Housing for Older Persons Act of 1995 granted limited familial status exceptions to certain senior housing facilities and communities. *See the listing for the U.S. Department of Housing and Urban Development under “Housing Discrimination” in Resources at the end of this section.*) A landlord must make reasonable accommodations if the tenant is disabled, though there are some exceptions.

In Washington, there are additional rental laws giving legal rights to state-registered domestic partners and victims of domestic violence. The Washington Law Against Discrimination also prohibits discrimination on the basis of sexual orientation, veteran or military status, marital status or the use of a trained guide dog or service animal (and other categories similar to the Fair Housing Act). Some local governments also have laws protecting tenants, such as Seattle’s Open Housing Ordinance, which also prohibits discrimination based on ancestry, age, political ideology, and the use of a Section 8 Certificate.

Those who are low-income living in housing financed by the Rural Housing Service and/or are non-native English speakers also have special laws that apply to them and their housing issues. *See “Housing Discrimination” and “Landlord/Tenant Law” in Resources at the end of this section to find more information.*

Sharing a Residence

Many people decide to live with a friend or family member. If you allow another person to stay in your home, you may be considered the landlord. The other person would, therefore, have all the rights and duties of a tenant, and you would have all the rights and duties of a landlord. Prepare a written rental agreement that includes the amount of rent you want that person to pay and how often. Seek legal advice for help creating the agreement and understanding your responsibilities.

If you are a tenant yourself and have someone move in with you, speak with your landlord. Include your new roommate in the rental agreement. Understand that each tenant who is part of the rental agreement is responsible for the full amount owed to the landlord. This means that one tenant may end up paying all the rent if the other tenant cannot contribute their share.

If someone is staying with you who pays no rent and you don't have an oral or written rental agreement, either one of you may end the living arrangement at any time without advance notice.

When the Rental Property Is Facing Foreclosure

Washington State and federal law protects tenants who are living in properties facing foreclosure, including:

- Tenants must be notified in writing 120 days before the date of the foreclosure sale.
- Tenants must be notified immediately of any landlord changes, in writing, and delivered either by personal service or first class mail.
- Tenants do not have to immediately vacate the property after a foreclosure sale.
- Tenants have the right to proper written notice to vacate 60 days before the new owner can begin an eviction.
- Unless the new owner wants to move into the tenant's unit, a valid and unexpired lease or Housing Assistance Payment contract must be honored by the new owner.
- Seattle tenants may have further protections under the Just Cause Eviction Ordinance (JCEO). *See the listing for Solid Ground under “Landlord-Tenant Law” in Resources at the end of this section.*

Tenants must continue to pay rent and follow the rental agreement or lease. After the property is sold in foreclosure, the tenant must pay rent to the new owner.

If your rental property is going into foreclosure, or if you have received a notice to vacate after a foreclosure, talk to a lawyer right away *and read through the information listed under “When the Rental Property is Facing Foreclosure” in Resources at the end of this section. For information on how to find legal help see the listings under “Assistance for Tenants” in Resources at the end of this section and the Legal Help chapter of this Handbook.*

Ending the Landlord-Tenant Relationship

If you have a month-to-month rental agreement that is not in writing and you want to move out, you should give notice in writing at least 20 days before the rent is due, and state the move-out date. Similarly, your landlord can force you to move out by giving 20 days' written notice.

If you have a written month-to-month rental agreement, read it to see what notice is required.

If you have a lease, you may be able to end it before the stated end date if:

- The tenant buys the landlord's property (called Release).
- The landlord agrees to end the lease early (called Surrender).
- The tenant moves out and stops paying rent (called Abandonment or Breaking the Lease). In this case, the tenant owes the landlord rent for the remainder of the lease minus any rent that the landlord is able to get by renting the property to someone else. The landlord must make a good faith effort to find a new tenant, but can make the original tenant pay expenses up to the amount of rent still owed.

If the tenant refuses to move out when the rental term expires or if the tenant breaks a term in the rental agreement, the landlord can begin an eviction (called an Unlawful Detainer). The landlord must give 10 days' notice to the tenant. If the tenant does not pay rent, damages the property value, or interferes with other tenants' use of the property, the landlord can begin an eviction with only three days' notice. The landlord does not need to give any notice to begin an eviction against a tenant who used the property for drug or gang activity, or who assaulted or threatened the safety of other persons on the property. Court procedures must be followed for eviction, and if the landlord wins in court, the sheriff will physically remove that tenant from the premises and the tenant may be ordered to pay the landlord's costs. The landlord may not personally evict a tenant by force or block access to the rental unit. Likewise, the landlord may not change terms of the rental agreement or evict a tenant because a tenant asserted his or her rights under the Landlord-Tenant Act or reported violations of housing codes or ordinances (called Retaliatory Eviction). *See Resources at the end of this section for help with evictions.*

Many cities and counties have their own landlord-tenant laws that will determine your duties and rights while you rent there. *See Resources at the end of this section or check with your local government to find out.*

Resources

Assistance for Tenants

- City of Tacoma Human Rights & Human Services Department: Information and referral for Tacoma residents who need help with landlord/tenant issues (repairs, deposits, etc.).
By phone: 253-591-5151
- CLEAR*Sr: For people 60 years or older; provides legal advice and referral by phone regarding civil legal issues, including landlord/tenant issues.
By phone: 1-888-387-7111 (toll-free); TTY: 1-800-833-6384 (Monday through Friday, starting at 9:15 AM, to leave a message for a call back)
Online: www.nwjustice.org/get-legal-help
- CLEAR: Free legal advice for low-income people living outside of King County.
By phone: 1-888-201-1014 (toll-free); TTY: 1-800-833-6384 (toll-free) (Interpreters are available; phone is answered weekdays 9:15 AM to 12:15 PM)
Online: www.nwjustice.org/get-legal-help

- Housing Justice Project: Free legal assistance to low-income, King County tenants in eviction cases scheduled in Superior Court; help in understanding and completing eviction paperwork; information and advice about tenants' and landlords' rights and responsibilities.
By phone (Seattle): 206-267-7090 (English) or 206-267-7091 (Spanish)
In person:
 - If you live south of I-90: Maleng Regional Justice Center, 401 4th Avenue North, Kent, WA, 98032, 1st Floor, Room 1281 (Monday-Friday, 8 AM to 10:30 AM)
 - If you live north of I-90 or on the Eastside: King County Courthouse, 516 3rd Avenue, Seattle, WA, 98104, 3rd Floor, Room West-314 (Monday-Friday, 8 AM to 10:30 AM; or Monday, 4 PM to 5:30 PM)
Online: www.kcba.org/pbs/HJP.aspx
- Housing Justice Project (Spokane): Free legal assistance for low-income Spokane County residents; volunteer lawyer meets with low-income clients facing eviction, at the courthouse
By phone: 509-324-0144 (Mondays, 1 PM to 5 PM; or Wednesdays, 1 PM to 4 PM)
Online: www.spokanebar.org/vlp-clients.html
- InterIm CDA (International District Housing Alliance): Provides assistance and advocacy for renters and mediation for landlord/tenant disputes, including language services for Asian and Pacific Islanders. Their focus is on Asian, Pacific Islanders, low-income and elderly residents of King County, but there are no restrictions.
By phone: 206-623-5132
- Legal Action Center: Legal assistance including self-help information, negotiation, and representation in court or grievance hearings for eviction cases and debtor/creditor issues (negotiation and non-court representation for debt problems related to current and past tenancies). For low-income King County residents.
By phone: 206-324-6890
Online: www.ccsww.org; click on "Get Help," then "Specialized Services," then "Legal Action Center" in the King County services list
- Solid Ground: Free housing counseling program for low-income King County tenants facing eviction
By phone: 206-694-6767 or 1-866-297-4300 (toll-free) (Mondays and Wednesdays, 10:30 AM to 2:30 PM)
Online: www.solid-ground.org/get-help/housing/for-tenants/eviction/
- The Tenants Union: Helps tenants deal with landlords, and provides information to renters and landlords about housing law and practice, including in-depth counseling by phone or in person (no mediation).
By phone: 206-723-0500 (Mondays, Tuesdays, and Wednesdays from 10 AM to 12:30 PM and 1:30 PM to 4 PM)
In person: Walk-in clinics at 5425 Rainier Ave. S., Suite B, Seattle, WA 98118 (Mondays and Tuesdays from 1:30 PM to 4 PM) and 12736 33rd Ave. NE #100, Seattle, WA 98125 (Thursdays from 4:30 PM to 6:30 PM)
Online: www.tenantsunion.org

Arbitration for Landlord-Tenant Issues

- *Alternatives to Court*, by the Washington State Bar Association
Online: www.wsba.org/News-and-Events/Publications-Newsletters-Brochures/Consumer-Information; click on the link under "Consumer Information"
- Look under "Arbitration Services" in the phone book.

- Resolution Washington: Listings of local Dispute Resolution Centers.
Online: www.resolutionwa.org

Housing Discrimination

- *Landlord/Tenant Issues for Survivors of Domestic Violence, Sexual Assault and/or Stalking*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Protection from Abuse,” then “Domestic Violence”
- U.S. Department of Housing and Urban Development (HUD): Information about senior housing and anti-discrimination laws as well as the Housing for Older Persons Act of 1995.
By phone: 1 (800) 767-7468 (toll-free); TTY: 1-877-833-2483 (toll-free) (Monday through Friday, 8 AM to 8 PM EST)
Online: www.hud.gov; click on “Program Offices,” then “Fair Housing/Equal Opportunity,” then at the top of that page go to “Topics” and click on “Senior Housing”
- The Washington State Human Rights Commission: Handles complaints about housing discrimination.
By phone: 1-800-233-3247 (toll-free)
Online: www.hum.wa.gov
- *See the Age and Disability Discrimination chapter in this Handbook.*

Landlord-Tenant Law

- Consumer Line Information Service: Recorded information on landlord-tenant topics.
By phone: 1-800-692-5082 (toll-free), press 8 for landlord-tenant
- Northwest Justice Project: Offers a wide variety of information about the landlord-tenant relationship.
Online: www.washingtonlawhelp.org; click on “Housing”, then see the resources listed under both “Tenants Rights” and “Eviction”
- RCW (Revised Code of Washington) 59.18: Washington State Residential Landlord-Tenant Act
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
Online: <http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18&full=true>
- Seattle Department of Construction & Inspections: Information for Seattle landlords and tenants in multiple languages.
By phone: 206-615-0808 (general line: landlord and tenant assistance for eviction and relocation; interpreters available for non-English-speaking individuals)
By phone: Specialists: Dulcie O’Sullivan, 206-386-9733; Jim Metz, 206-684-7979
Online: www.seattle.gov/dpd/codesrules/commonquestions/rentalhousingproblems/default.htm
- Solid Ground: Information on Seattle’s Just Cause Eviction Ordinance (JCEO).
By phone: 206-694-6767 or 1-866-297-4300 (toll-free) (Mondays and Wednesdays, 10:30 AM to 2:30 PM)
Online: www.solid-ground.org/get-help/housing/for-tenants/eviction/

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- “LGBT Fair Housing Rights: Quick Tips for Renting and Homeownership,” a brochure by the Northwest Fair Housing Alliance
By phone: 509-325-2665
Online: www.nwfairhouse.org; click on “Protected Classes” in the menu at right, then “Sexual Orientation,” then click on the title of the brochure
- U.S. Department of Housing and Urban Development (HUD): Information for LGBT people and their families on federal anti-discrimination law.
By phone: 1-800-225-5342 (toll-free); TDD 1-877-833-2483 (toll-free) (Monday through Friday, 8 AM to 8 PM EST)
Online: www.hud.gov; click on “Program Offices,” then “Fair Housing/Equal Opportunity,” then scroll down and click “Lesbian, Gay, Bisexual, Transgender Individuals” under “Rules & Initiatives”

When the Rental Property Faces Foreclosure

- *I am a Tenant Living in a Foreclosed Property. What are My Rights?*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Housing,” then “Foreclosure”
- Solid Ground: Information for renters living in properties facing foreclosure.
By phone: 206-694-6767 or 1-866-297-4300 (toll-free) (Mondays and Wednesdays, 10:30 AM to 2:30 PM)
Online: www.solid-ground.org/get-help/housing/for-tenants/foreclosure/

When the Rental Unit Needs Repairs

- Solid Ground: Offers information on getting repairs performed on your rental unit.
Online: www.solid-ground.org/get-help/housing/for-tenants/repairs/; click on both “Repair Process” and “Steps to Request a Repair”
- *Tenants: What to do If your Rental Needs Repairs*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Housing,” then on “Tenant’s Rights,” then on “Repairs”

Low-Income Housing Programs

Housing is expensive, especially if you are on a fixed income. Many seniors are overwhelmed by the cost of housing. There are programs to help, though. This section will cover “subsidized housing.”

Subsidized housing comes in different forms. The most common form is “public housing,” which is administered by a public (government) housing authority. Another form is a “voucher program,” also called “Section 8,” where you arrange to rent a place with a participating landlord and the government helps you pay the rent. There are also nonprofit organizations that offer subsidized housing for seniors with low incomes. *See Resources at the end of this section.*

Am I Eligible for Subsidized Housing?

You may qualify for senior subsidized housing if:

- You are at least 62 years old, or
- You are disabled.

Also, you:

- Must be a U.S. citizen or have Eligible Immigration Status,
- Must be living only with persons at least age 18 (all household members), and
- Must be considered low-income.

Here are some additional details about the eligibility requirements:

- **Age or Disability Requirements:** You must be at least 62 years old, or you must be a person with a physical or mental disability, to live in low-income senior housing. If you do not meet this requirement, you may still be eligible for other low-income housing assistance if you still meet the other requirements listed below.
- **Citizenship or Immigration Status:** You must be a U.S. citizen or have Eligible Immigration Status. Here are the types of Eligible Immigration Status:
 - Form I-551, Alien Registration Receipt Card (for permanent resident aliens)
 - Form I-94, Arrival-Departure Record, with one of the following:
 - “Admitted as Refugee Pursuant to Section 207”
 - “Section 208” or “Asylum”
 - “Section 243(h)” or “Deportation Stayed by Attorney General”
 - “Paroled Pursuant to Section 212(d)(5) of the INA,” or
 - Accompanied by a court document or letter from the INS asylum officer granting asylum or withholding deportation
 - Form I-688, Temporary Resident Card, annotated “Section 245A” or “Section 210”
 - Form I-688B, Employment Authorization Card, annotated “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”
 - Receipt from INS that says you have applied for a replacement of the documents listed above and your entitlement has been verified
- **Household Requirement:** All members of your household must be at least 18 years of age to live in senior low-income housing.

- **Low-Income Test:** This is the key element for receiving any housing assistance. For public housing, your household income must be low—usually below 80% of the median income for the area where you live. For the voucher program, your household income must be lower—usually below 30 to 50% of the median income for your area. The median income for a particular area is listed by the name of the county. The amount of income is determined every year by the U.S. Department of Housing and Urban Development (HUD). You can find it online at www.huduser.org. Click on “Data Sets” then “Income Limits,” and then click the current fiscal year “Income Limits” (e.g., “FY 2015 Income Limits”) then the current fiscal year “Income Limits Documentation,” or by calling HUD at 1-800-245-2691 (toll-free).
- **Other Requirements:** There may also be other requirements, such as good rental history and references. Your criminal history may also be checked to make sure you don’t have any serious offenses.

How Much Is the Rent?

For public housing, rent is based on your income minus certain expenses, such as unreimbursed medical expenses. Seniors and disabled persons are also entitled to a standard deduction of \$400 from their annual income. Rent in public housing is generally 30% of your income.

How Do I Find Subsidized Housing?

You will need to contact the public housing authority in your county. There are also other organizations that administer programs or help seniors find affordable housing. *See Resources at the end of this section for a list of places to start.*

How Do I Apply for Subsidized Housing?

You will need to fill out an application and give information such as your citizenship and income, members of your household, and documents showing your identity. Almost every program will have a waiting list and a specific time period when they are accepting applications. Contact your local housing authority and other low-income housing organizations in your area to get an application and find out when applications are being taken. Each program has its own application.

What Are the Requirements If I Receive Subsidized Housing?

Once you receive subsidized housing, you will need to follow some rules. For example, you must report any changes in your income as well as changes to the number of members of your household. If you are on the voucher program, your housing will be inspected every year to ensure you live in good and clean conditions and there is no illegal activity on your property. You will also have to certify your income and who lives in your household each year even if there were no changes.

What Are My Rights If I Live in Subsidized Housing?

If the housing authority decides to terminate you from the program, you do have rights. In most cases, the housing authority must offer you an administrative hearing before you can be terminated. The hearing gives you the chance to clear up any misunderstandings or reach an agreement to stay in the program.

In both subsidized housing and the voucher programs, landlords can evict you if you break the rules in the lease or do not pay your rent. In those cases, though, the landlord must go through the normal legal process. If you find that you may be terminated from the program or evicted from your current housing, you should call CLEAR at 1-888-201-1014, or if you live in King County call 2-1-1. *Also see the “Landlord-Tenant Issues” section in this chapter.*

Medicaid-Funded Assisted Living

Another type of housing assistance for seniors is Medicaid-funded assisted living. Many assisted living arrangements such as adult-family homes, home health care, and nursing homes will accept Medicaid payments. Medicaid provides housing assistance for seniors who need help with daily life activities. *See the “Medicaid” section of the Health Care chapter as well as the Long-Term Care chapter of this Handbook for more information.*

Resources

Eligibility

- U.S. Department of Housing and Urban Development (HUD): To find out if you are qualified as low income
By phone: 1-800-245-2691 (toll-free) (Monday through Friday from 9 AM to 5 PM, Eastern time)
Online: www.huduser.org; first, you must find the median income for a particular area; it is listed by the name of county; once you find your area and click on it, then click on “Data Sets” then “Income Limits,” and then click the current fiscal year “Income Limits” (e.g. “FY 2015 Income Limits”) then the current fiscal year “Income Limits Documentation”

Eviction

- CLEAR*Sr: For people 60 years or older; for help if you find you may be terminated from a housing program or evicted.
By phone: 1-888-387-7111 (toll-free), including TTY (Monday through Friday, starting at 9:15 AM, to leave a message for a call back)
Online: www.nwjustice.org/get-legal-help
- CLEAR: For help if you find you may be terminated from a housing program or evicted from your current housing
By phone: 1-888-201-1014 (toll-free); TTY: 1-800-833-6384 (Interpreters are available; phone is answered weekdays 9:15 AM to 12:15 PM) or if you live in King County, call 2-1-1
Online: www.nwjustice.org/get-legal-help

Housing Discrimination

- *See the resource listings under “Housing Discrimination” in the “Landlord-Tenant Issues” section of this chapter.*

Low-Income Housing Resource Publications

- *A Guide for Immigrants, Limited English Proficient Persons and Their Advocates on Federally Subsidized Housing*, by Northwest Justice Project
Online: www.tenantsunion.org/en; click on “Subsidized Housing & Section 8” and publication is listed under “Subsidized Housing Resources”
- *Housing and Related Services*, by the ARC of King County
Online: www.arcofkingcounty.org; click on “What We Offer,” then “Resource Guide” in the menu at left, then “Housing,” then the document link

- Publications on public housing evictions and grievance procedures:
Online: www.washingtonlawhelp.org; click on “Housing” and then “Public & subsidized housing”

Public Housing Authorities in Washington

- Association of Washington Housing Authorities
Online: www.awha.org; click “Contacts” for a list of public housing authorities
- Telephone numbers for Public Housing Authorities by county:
 - Adams county: 509-488-3527
 - Asotin county: 509-758-5751
 - Benton county: 509-586-8576
 - Chelan county: 509-663-7421
 - Clallam county: 360-452-7631
 - Clark county: 360-694-2501
 - Cowlitz county: 360-673-3444 (Kalama) or 360-423-3490 (Kelso) or 360-423-0140 (Longview) or 866-570-8840 (Longview)
 - Douglas county: 509-663-7421
 - Ferry county: 509-775-3924
 - Franklin county: 509-547-3581
 - Grant county: 509-762-5541
 - Grays Harbor county: 360-532-0570
 - Island county: 360-678-4181
 - Jefferson county: 360-452-7631
 - King county: 206-574-1100 or 425-226-1850 (Renton) or 206-615-3300 (Seattle)
 - Kitsap county: 360-535-6100 or 360-479-3694 (Bremerton)
 - Kittitas county: 509-962-9006
 - Klickitat county: 888-356-8919
 - Lewis county: 360-423-0140
 - Lincoln county: 509-328-2953
 - Mason county: 360-479-3694
 - Okanogan county: 509-422-3721
 - Pacific county: 360-423-0140 or 866-570-8840
 - Pend Oreille county: 509-328-2953
 - Pierce county: 253-620-5400 or 253-207-4400 (Tacoma)
 - San Juan county: 360-293-7831
 - Skagit county: 360-428-1959 or 360-293-7831 (Anacortes)
 - Skamania county: 888-356-8919
 - Snohomish county: 425-290-8499 or 425-258-9222 (Everett)
 - Spokane county: 509-328-2953
 - Stevens county: 509-328-2953

- Thurston county: 360-753-8292
- Wahkiakum county: 360-423-0140 or 866-570-8840
- Walla Walla county: 509-527-4542
- Whatcom county: 360-676-6887
- Whitman county: 509-328-2953
- Yakima county: 509-837-5454 (Sunnyside) or 509-453-3106 (Yakima)

Resources for Finding Senior Housing

- Catholic Housing Services of Catholic Community Services
By phone: 206-328-5696
Online: www.ccsww.org
- Housing Search Northwest: A free, online property-search service that links people with the available housing in our communities
Online: www.housingsearchnw.org/index.html
- InterIm CDA (International District Housing Alliance): Provides referrals to affordable housing throughout Seattle and King County, including language services for Asian and Pacific Islanders. Their focus is on Asian, Pacific Islanders, low-income and elderly residents of King County, but there are no restrictions.
By phone: 206-623-5132 or call 2-1-1
- Low Income Housing Institute
By phone: 206-443-9935
Online: www.lihi.org
- Mercy Housing
By phone: 206-838-5700 (regional office) or 1-866-338-0557 (toll-free)
Online: www.mercyhousing.org
- Multifamily Affordable Properties: Search listings
Online: www.aptfinder.org
- Sound Generations
By phone: 1-888-435-3377 (toll-free)
Online: www.seniorservices.org
- Spokane Housing Ventures
By phone: 509-232-0170
Online: www.spokanehousingventures.org
- U.S. Department of Housing and Urban Development (HUD): Contact the regional office in Seattle for information about senior housing in Washington.
By phone: 206-220-5101 or 1-877-741-3281 (toll-free); TTY: 206-220-5254
Online: www.hud.gov

Temporary Housing/Shelters

- Washington Information Network 2-1-1: Free information and referrals in Washington State
By phone: 2-1-1, or 206-461-3200 (Seattle); 1-877-211-9274 (toll-free); TTY: 1-800-833-6384 (toll-free);
Monday through Friday from 8 AM to 6 PM (interpreters available)

Assistance with Paying for Utilities

In Washington you can find many resources to help if you can't pay your utility bills. There's help with gas, electric, water, sewer, and garbage bills—and even, in some cases, phone and cable-TV bills.

Start by contacting your service provider and speaking with the Customer Service Department. Each provider will have its own assistance programs and access to other programs to help you.

What Kind of Help Is Available for Paying Utility Bills?

- **Payment arrangements:** Call your company directly and offer to make payments on a schedule that you can keep. Ask the company to send a confirmation letter. Make sure you are able to pay on time. If you do not make the payments, the company could disconnect your service.
- **Budget billing:** This makes budgeting for gas or electricity bills easier because you know the exact amount due each month. The company assigns a set payment for the year based on the energy used last year. Budget-payment amounts are reviewed every four months and adjusted if needed. The payment plan will automatically be adjusted at the end of the year so that you pay only for the energy you used. Call your company for more information.
- **Energy Assistance:** Some funding may be available to help low-income customers pay expensive heating bills during the winter.

Can I Get Help Paying for Utilities If I Live in Seattle?

If you live in Seattle, you probably get your electricity from Seattle City Light. Your water, sewer, and garbage services probably come from Seattle Public Utilities. These are *public* utility providers. They are regulated by Seattle laws. If you use natural gas, you probably get your service from Puget Sound Energy, a *private* utility provider. Private providers are regulated by the Washington Utilities and Transportation Commission. (See 'Utility Service Providers' in the Consumer Guide chapter for more information on public and private utilities.)

You may be able to reduce your Seattle City Light and Seattle Public Utilities bills by 50 to 60% if you are:

- A senior (65 or older); or
- Disabled; or
- Low-income; and
- Not living in public or Section 8 housing.

Whether or not you qualify for those programs, other help is available. Seattle offers one-time only assistance if your income is low and your utility services are about to be stopped:

- Seattle City Light's Project Share may pay up to \$250 at first, and an extra \$250 for those who qualify.
- Seattle City Light's Emergency Low-Income Assistance Program may pay up to \$200 once each 12 months.
- Seattle Public Utilities' Emergency Assistance Program may pay up to 50% of your past-due water, garbage, and sewer service balance up to \$340 once each 12 months.

For each of these services see Resources at the end of this section.

If you use natural gas for heat or cooking in Seattle:

- You can receive up to \$1,000 each year in credits that lower your gas and electricity bills if you meet low-income qualifications, through Puget Sound Energy's HELP program. You can apply through your local community action agency (*see Resources at the end of this section*).
- If your gas service is about to be stopped, Puget Sound Energy, its employees, its customers, and the Salvation Army, have created a Warm Home Fund to assist you. Call your local Salvation Army or 1-800-736-7291 (toll-free). This assistance is generally available at the beginning of January.

Can I Get Help Paying for Utilities If I Live Outside of Seattle?

No matter where you live in Washington, help is available. Your utility bill should give you information on who your provider is and how to contact it. Ask about programs such as budget billing to make equal payments each month, energy assistance for low-income customers, and the moratorium program to keep your heat from being disconnected. *See "Can the Provider Shut Off My Heat If I Don't Pay My Bill?" later in this section.*

Some private utilities, like Puget Sound Energy, offer additional energy-assistance programs. Ask your provider if it has other programs.

Another source of aid with heat and energy bills is your local Salvation Army's Emergency Fund. This assistance is generally available at the beginning of January. Call your local Salvation Army or 1-800-736-7291 (toll-free).

There's also help available from other sources, such as the community action agency in your county (*see Resources at the end of this section*). Apply for any programs that you can qualify for, because some of them require you to use other programs before they will help you.

What Is the Low Income Home Energy Assistance Program?

One of the best assistance programs is the Low Income Home Energy Assistance Program (LIHEAP). This program provides energy aid with federal money—for oil, propane heat, and even wood, as well as electricity and natural gas. It is available whether your utility provider is public or private. In Washington, local community action agencies run the program (*see Resources at the end of this section*). You can get aid from LIHEAP once in any season (October through June). The amount you receive will be based on:

- Your household's annual income
- Your family size
- Your heating costs
- Your type of housing
- Your type of heating
- Whether or not you live in subsidized housing

Awards usually range from \$25 to \$1,000 and are between 50% and 90% of your actual heating costs.

Can I Get Help with My Utility Bills from DSHS Programs?

You may be able to get emergency help with utility bills if you qualify for or already receive money from the State's Department of Social and Health Services (DSHS). DSHS programs include, for example, Temporary Assistance for Needy Families (TANF), State Family Assistance (SFA), and Refugee Cash Assistance (RCA). *See the "State Financial Benefits" section in the Financial Benefit Programs chapter.*

If you enroll in a DSHS program, the Additional Requirements (AR) program may help you with one-time emergency needs. It will cover deposits and charges for electricity, water, sewer, and heating or cooking fuel. You must have an emergency or serious negative change in your circumstances to receive an AR grant. *See the “State Financial Benefits” section of the Financial Benefit Programs chapter.*

DSHS also has the Consolidated Emergency Assistance Program (CEAP) to help with one-time emergency needs, including utilities. This program is for low-income families, children, and pregnant women who do not qualify for TANF, SFA, or RCA.

What Else Can I Do to Lower My Utility Bills?

To reduce your utility bills in the future, you can take steps to make your home more energy-efficient and conserve your gas, electricity, and water. Many providers or agencies that assist with utility bill payments also provide weatherization assistance for your home. You may qualify for aid even if you are a renter.

Can the Provider Shut Off My Heat If I Don’t Pay My Bill?

You may be able to get help through the “Moratorium” program if you receive a disconnect notice and you can’t pay your heating bill between November 15 and March 15. You must do the following:

- Prove that you qualify as a low-income household; and
- Notify the provider within 5 days after you receive the disconnect notice; and
- Apply for all other types of aid that you can; and
- Apply to your local community action agency (*see “Low Income Home Energy Assistance Program” in Resources to find the agency nearest you*).

Ask your provider if you need help with these steps. If it has been more than 5 days after you received the disconnect notice, you may still be able to get help reconnecting your service. Call your provider.

Under the Moratorium program you agree to a payment plan with your provider to keep your heat on from November 15 to March 15. But if you don’t make agreed-upon payments, the provider can turn off your service and refuse to turn the service back on until you pay all you owe.

Can the Provider Shut Off My Public Utility Service Because My Landlord Didn’t Pay the Bill?

Yes, but you must get written notice of the shut-off and a chance to appeal. *For more information see the Northwest Justice Project publication “Public Utilities” listed in Resources at the end of this section.*

When Can My Private Utility Service Be Disconnected?

In general, your service can be disconnected if you don’t pay bills on time or if you don’t pay a required deposit. The provider can only disconnect your service on a business day. Your provider must give you a written notice before disconnecting your service. This gives you a chance to call and work out any problems so that you can get your service back on the same day. The provider may charge a reconnection fee. See the Washington Utilities and Transportation Commission’s website at www.utc.wa.gov or call the WUTC Consumer Protection section: 1-888-333-9882 (toll-free).

Can I Get Help Paying My Home Telephone Bill?

If someone in your household receives any assistance from DSHS or if you meet low-income rules, you can get help with your telephone bill. With DSHS's Washington Telephone Assistance Program (WTAP), also called Lifeline:

- You will get a 50% discount on the telephone connection fee.
- You will not pay a deposit charge.
- You can have local service for one line for \$8 plus taxes and fees each month (but WTAP does not cover long distance, call waiting, caller ID, or voicemail).
- WTAP will provide voice mailbox service if you can't get local telephone service.

If you have an outstanding telephone bill when you apply for WTAP, you must agree to make payments on that bill before your phone can be reconnected. The maximum amount you can be charged each month is your basic service cost, plus 1 1/2 times that amount, applied to the old bill. For instance, if your basic charge is \$8, you would pay an extra \$12 toward your old bill, a total of \$20 each month.

Call your local telephone company and provide your name, date of birth, and DSHS client ID number to sign up for this program. If you have questions, call DSHS at 1-888-700-8880 (toll-free). Or call the WUTC at 1-888-333-9882 (toll-free). If you are low-income, you may qualify for a free cell phone, as an alternative. *See Resources at the end of this section.*

Can I Get Help Paying for a Cell Phone?

Instead of using Lifeline for your home phone line, you can get help paying for a cell phone. You can only use the program for one phone. If you already have a cell phone, call your cell phone provider (including AT&T, Family Mobile, and Virgin Mobile) to ask about the discount. If you want a free cell phone, *see the listings under "Telephone, Cell Phone, and Internet Payment Assistance" in Resources at the end of this section.* Your free cell phone will come with 250 free minutes every month, plus free voicemail, caller ID, and call waiting. Some companies also offer free text messages, and other low-cost extras.

Can I Get Help Paying for Internet Service?

You may be able to get help paying for broadband Internet service if you meet the low-income rules. Low-cost Internet is available from Comcast (call 1-855-846-8376), CenturyLink (call 1-866-541-3330), and EveryoneOn (online at www.everyoneon.org). *See the listings under "Telephone, Cell Phone, and Internet Payment Assistance" in Resources at the end of this section for more information.*

Can I Get Help Paying for Cable Television?

Two private providers, Xfinity (Comcast's cable TV service) and Wave Broadband, will both give discounts of approximately \$5 per month for cable-television charges. Their discounts are available to low-income seniors, low-income disabled citizens, and people living in subsidized housing (not Section 8). Call Xfinity at 1-800-934-6489 (toll-free). Call Wave at 1-866-928-3123 (toll-free). If you have a different cable-television company, call to ask if they give a discount. You can also call your city or county cable office for more information.

Resources

Cable Television Payment Assistance

- City of Seattle, Office of Cable Communications
By phone: 206-386-1989
- Wave Broadband
By phone: 1-866-928-3123 (toll-free)
- Washington Association of Telecommunications: For information about city and county cable offices.
Online: www.watoa.org/WACableOffices.htm
- Xfinity
By phone: 1-800-934-6489 (toll-free)

City of Seattle Utility Assistance

- City of Seattle Utility Discount Program
By phone: 206-684-0268; TTY: 206-233-2778
Online: www.seattle.gov/humanservices/benefits/udp.htm
- Other Assistance Programs in Seattle:
 - Project Share: 206-684-3000 (help with Seattle City Light disconnection)
 - Emergency Low-Income Assistance Program: 206-684-3688 (help with Seattle City Light disconnection)
 - Emergency Assistance Program: 206-684-5800 (help with Seattle Public Utilities past-due bills)
 - Home Weatherization: 206-684-0244

Filing a Complaint

- *See the “Utility Service Providers” section in the Consumer Guide chapter of this Handbook.*
- Washington State Attorney General’s Office, Consumer Protection Division: To file complaints about cell phone providers in the Washington Lifeline Assistance Program.
By phone: 1-800-551-4636 (toll-free)
Online: www.atg.wa.gov/fileacomplaint.aspx

Information on Energy Assistance Programs

- City of Seattle Utility Discount Program
By phone: 206-684-0268; TTY: 206-233-2778
Online: www.seattle.gov/humanservices/benefits/udp.htm
- Department of Social and Health Services (DSHS) emergency grants
By phone: 1-877-501-2233 (toll-free)
In person: Visit your local DSHS Community Services Office
Online: www.washingtonconnection.org

- Home Energy Lifeline Program (HELP), Puget Sound Energy
By phone: 1-866-223-5425
Online: www.pse.com; click on “Accounts & Services,” then “Your Account & Bill,” and then “Low-Income Assistance” (information in multiple languages)
- Local community action agencies and the Low Income Home Energy Assistance Program (LIHEAP)
By phone: 1-800-348-7144
Online: www.commerce.wa.gov; click on “Services & Assistance,” then “Individual Assistance,” and then “Low-Income Home Energy Assistance Program (LIHEAP)” for information about local community action agencies and where to apply for LIHEAP and other assistance
- *Public Utilities*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Housing,” then click on “Energy assistance, utilities & telecommunications”; there are also links to other energy-assistance program websites
- Salvation Army’s Emergency Fund and Warm Home Fund
By phone: 1-800-736-7291 (toll-free)
- Washington Information Network 2-1-1: A statewide database of community resources.
By phone: 2-1-1 or 1-877-211-9274 (toll-free); Information and Referral Specialists are available Monday through Friday, 8 AM to 5 PM (interpreters available)
Online: www.win211.org
- Washington Utilities and Transportation Commission (WUTC): Offers links to some providers’ energy-assistance programs and information on energy conservation.
By phone: 1-888-333-9882 (toll-free) (for the WUTC Consumer Protection section)
Online: www.utc.wa.gov/consumers/energy/Pages/energyAssistance.aspx

Telephone, Cell Phone, and Internet Payment Assistance

- Department of Social and Health Services (DSHS) Washington Telephone Assistance Program (WTAP), also called Lifeline
By phone: 1-888-700-8880 (toll-free)
- EveryoneOn.org: Referrals to Internet and computer discount programs. Also available in Spanish.
Online: www.everyoneon.org
- InterConnection.org: Phone and Internet discount information.
By phone: 206-633-1517
Online: www.interconnection.org
- Lifeline Free Cell Phone Program
By phone: 1-888-641-8722 (USAC) or 1-888-225-5322 (FCC) for information about the program
Online: www.lifelinesupport.org/lsl/; click on “Companies Near Me” to get contact information for companies providing free cell phones or discounts on your cell phone plan
- Washington Utilities and Transportation Commission (WUTC)
By phone: 1-888-333-9882 (toll-free)
Online: www.utc.wa.gov

Weatherization and Energy Conservation Assistance

- The WUTC website has links to information on energy conservation to help lower costs.
Online: www.utc.wa.gov; click on “Consumers,” then “Energy,” and then “Lower My Energy Bill”
- Weatherization Coordinators through the WA State Department of Commerce
Online: www.commerce.wa.gov/growing-the-economy/energy/weatherization-and-energy-efficiency/



CHAPTER 8

Family Relationships

Marriage

When you sign a marriage certificate, you are signing a legal and binding contract. A marriage creates certain rights and duties for each partner. To be legally married in Washington, you must meet certain requirements and have a valid marriage ceremony performed.

Who Can Get Married In Washington?

Washington State allows both different-sex couples and same-sex couples to marry, and any reference to “husband and wife” now includes all “spouses.” The legal age for marriage in Washington is 18 years. People who are more closely related than second cousins may not marry. You don’t need medical examinations, blood tests, or identification papers when applying for a license. You may only be married to one person. You don’t need proof of divorce if you were married before, but any dissolution (divorce) action must be final and filed with the court before you can apply for a marriage license.

How Do I Get Married?

You must apply for a marriage license with a county auditor at least three days (not including the day you apply) before the license may be used. Both parties must sign the application, but you do not need a witness to sign. The fee is generally in the \$55-65 range. A county auditor may issue the marriage license at the time you apply, or may hold it until it becomes valid. The license may be used anywhere in the state of Washington.

Once you have your valid license, you have 60 days to get married. Justices of the Supreme Court, judges and commissioners of any court, any licensed or ordained official of any religious denomination, and justices of the peace may conduct the ceremony. In addition, two witnesses must be present during the ceremony.

Does Washington Honor Out-of-State Marriages?

If you were married in another state or country, Washington State will recognize your marriage, including marriages of same-sex couples. *See the “Domestic Partners and Unmarried Couples” section in this chapter for more information about same-sex couples.*

What Is Community and Separate Property?

In Washington, spouses are a “marital community” and, once married, the earnings of each are “community property.” All property that you buy with money that was earned during the marriage (such as real estate, automobiles or household goods) belongs equally to both of you, even when only one of you is employed.

Because community property belongs to both of you, neither one of you may give away more than one-half the community assets in your Will. Neither may give community property without the consent of the other. Finally, neither of you may sell, transfer title to, or borrow money against real property (land) without both parties signing the documents.

You may change your bank accounts to “joint accounts” so that both of you can take money out. Most joint accounts are with “right of survivorship.” This means that when one of you dies, the survivor receives the entire account, after the funds used to pay the decedent’s debts are taken out. The account usually doesn’t have to go through probate.

Either one of you may buy assets or get financing to buy certain assets without the other party’s consent, if the security for the loan is the asset that you are buying. For example, one of you can buy a car or a boat without the other person’s consent.

A newly married couple should review and make appropriate changes in all insurance policies, stocks, bonds, and other property documents. You may wish to make your spouse the new beneficiary or joint owner. By law, your new spouse may have an interest in the life-insurance policies you owned before your marriage. Your new spouse’s interest may conflict with your named beneficiaries and may override them. You should talk to a lawyer if you have any concerns. *See also the “Estate Planning” section in the Planning for the Future chapter of this Handbook.*

If you owned property before your marriage, such as stocks, bonds, or other property that was purchased with separate funds, inherited, or given to you, this is not community property. Also, any inheritance or gifts received by one spouse after marriage is not community property. Such “separate” property remains yours alone, as long as it is kept separate from the community property. Spouses may also change separate property into community property. However, in a divorce the court has broad powers to award both community and separate property to either spouse.

If you have separate funds from before your marriage, depositing those funds in a joint account with your new spouse may change the funds from separate property to community property. If you want to maintain the “separate” nature of your property, you should talk to a lawyer.

What Is Community and Separate Debt?

Debts incurred during marriage by either person are presumed to be community debts, and both spouses are liable for the debt. This can be challenged in some cases, however.

Generally, if you incurred a debt before marriage, the creditor can go after your separate property but cannot go after the couple’s community property to pay the debt. One exception to this rule is that one spouse’s earnings can be taken to pay that spouse’s separate child support and maintenance debts. Another exception is that one spouse’s earnings may be taken for a pre-marriage debt if the creditor goes to court and gets a judgment within three years after the debtor marries. (The earnings of the other spouse, however, cannot be taken to pay these debts.)

If one of you incurs a debt after separation, that debt is usually considered to be your separate debt. Still, it is wise to take steps to protect yourself from being held responsible for debts that your spouse incurs after separation but before divorce. You should tell your spouse's creditors in writing that you are separated and are not responsible for your spouse's debts. You should also close joint bank accounts, close joint credit cards, and report changes to the credit bureau. If you do not have credit in your own name, you may want to keep the joint accounts for which you will be paying the balance as a way to establish credit. You may also open an account in your own name based on your marital credit record.

What Should I Know About Prenuptial and Other Community Property Agreements?

Even though the law classifies property as community or separate, the spouses may change the rules regarding their property by making a written property agreement. You can agree to convert (change) a spouse's separate property into community property. You can agree that all property acquired in the future will be community property even if it otherwise would be separate property. You can agree that certain items will be community property and others will be separate property. Finally, you can agree about what happens to property if one of you dies.

You can enter into a property agreement at any time. If you do so before you get married, it is called a "prenuptial agreement." After you get married, it is called a "postnuptial agreement."

Property agreements can be very useful if a couple divorces or one spouse dies because they are written contracts that avoid arguments regarding who owns what property. Property agreements can also be very dangerous if you do not fully understand what they mean. Once an agreement is signed, it usually cannot be revoked (undone) unless both of you agree to revoke it or the marriage is dissolved. Therefore, it is important that both of you understand your property rights, how much property is involved and its value. Both of you also must understand exactly what the agreement does in case of dissolution (divorce) or death. You must sign the agreement voluntarily and not under threat or pressure.

Before signing a community property agreement, each of you should have your own family law lawyer review the agreement for fairness and to understand its possible consequences. One lawyer cannot fairly represent both of you because each of you has different interests. *See also the "Estate Planning" section in the Planning for the Future chapter of this Handbook.*

Resources

Marriage

- *Family Law Handbook Marriage Edition* (See Chapter 1), by Washington Courts
Online: www.courts.wa.gov; click on "Resources," then the book's title
- *Marriage for Same-Sex Couples in Washington State*, by Legal Voice:
Online: www.legalvoice.org; click "Tools & Resources," then "Family Law"
- *Name Change*, by Northwest Justice Project (also available in Spanish and Russian)
Online: www.washingtonlawhelp.org; click on "Family Law," then "Other family and related issues"
- State of Washington: Information on county offices that issue marriage licenses.
Online: <http://access.wa.gov/living/resources/marriage.aspx>

Community and Separate Debt

- *Community Debt and Bankruptcy Issues*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then “Bankruptcy”
- *Family Law Handbook Marriage Edition* (See Chapter 4), by Washington Courts
Online: www.courts.wa.gov; click on Resources, then the book’s title

Prenuptial and Other Community Property Agreements

- *Divorce and Future Retirement Benefits*, by Legal Voice
Online: www.legalvoice.org; click “Tools & Resources,” then “Family Law”
- *Family Law Handbook Marriage Edition* (See Chapter 2), by Washington Courts
Online: www.courts.wa.gov; click on “Resources,” then the book’s title

Divorce

The legal term for divorce in Washington is “dissolution.” Here we use the more common term, “divorce.”

Who Can Get a Divorce in Washington?

A legally married couple may get a divorce in Washington. A couple who has registered with the State of Washington as domestic partners may also get a divorce in Washington. A same-sex couple who legally married in another state or country may also get a divorce in Washington if at least one spouse lives in the state. However, if you are in a domestic partnership or civil union registered in another state, and you permanently relocate to Washington, the state will stop recognizing your partnership or union after one year (unless one of you is 62 or older – *see the “Domestic Partners and Unmarried Couples” section of this chapter*).

Do I Need to Be a U.S. Citizen to Get a Divorce in Washington?

No. However, if you are not a U.S. citizen, you should talk to an immigration law specialist to see how divorce might change your immigration status and for help with protecting your status. *See the Immigration chapter of this Handbook.*

Can I Simply End My Domestic Partnership Instead of Filing a Divorce?

Terminations of domestic partnerships are handled by the courts the same way as a divorce proceeding. If termination is due to the death of one partner, then a termination notice may be filed with the Office of Secretary of State, accompanied by a death certificate.

Who Can Begin a Divorce?

Either person may start a divorce. That person must pay a fee and give the court the divorce papers. This is called “filing for a divorce.” The divorce is begun when the “petitioner” files the paperwork and “serves” the other person, the “respondent” with a copy. A couple may file the paperwork together. In this case one person signs as the petitioner, and the other, the respondent, signs a “joinder.” If the court allows it, a court-appointed legal guardian may also begin a divorce.

Caution: If you are going to file or respond to a divorce yourself, you will need to know and follow written court rules. *See Resources at the end of this section for people who can help you.*

What If One of Us Does Not Live in Washington?

You can file your divorce in Washington if at least one of you is a resident of the state or a member of the armed forces stationed in this state. If you both lived here during your marriage/partnership and one of you continues to live in Washington, then the court should be able to divide all property and debts (except real estate in another state).

If your spouse or partner never lived in Washington, the court may not have jurisdiction. “Jurisdiction” means the court has official power to make legal decisions and judgments. Only one state’s court can have jurisdiction. If your non-resident spouse or partner does not agree to jurisdiction in Washington, the court can still give you a divorce, but may not be able to divide property and debts. Jurisdiction issues related to children are more complicated.

If you registered with the State of Washington as domestic partners, you may only be able to get a divorce in Washington. States that do not recognize domestic partnerships may not be able to give you a divorce.

How Much Does a Divorce Cost?

The person who files the divorce pays a fee (around \$200) to the court. If you are low-income, you can ask the court to waive this fee. Court clerks sell forms, but they are free online. Lawyers charge about \$200-250 per hour. Some lawyers offer limited services, meaning you can hire them for just a few hours. *See the Legal Help chapter in this Handbook.*

Where Do I Get the Paperwork for a Divorce?

See Resources at the end of this section for information about where to get required forms and instructions. Your Superior Court may have local forms for certain hearings and procedures. Check the Court Clerk's website or ask your county's family law facilitator.

Do I Need to Say Why I Want a Divorce?

No, and even if your spouse/partner does not agree to the divorce, you will still be able to get a divorce.

Where and How Do I File the Divorce?

All divorces in Washington State are filed in the County Superior Court. It is generally a good idea to file your divorce in the Superior Court of the county where you live (the "proper venue"), even if the other person lives in another county, and even if you own property in other states or counties. However, a divorce case can be transferred to another county if your spouse lives there and if real property or significant evidence, such as key witnesses, is located in that county. You must pay a filing fee with the court, and file appropriate original papers and copies with the court.

Caution: Lincoln and Jefferson Countys' no-residency-required divorce-by-mail process may seem like a good idea, and many online divorce services suggest it, but this can cause problems later. *See the Northwest Justice Project publication "Ending Your Marriage in Washington: [With/Without Children] the Basics" listed under "How and Where to File the Divorce" in Resources at the end of this section.*

How Do I Serve the Divorce Papers?

Giving your spouse/partner the divorce papers in the correct legal way is called "service." If your spouse/partner has a legal guardian, then you must have the legal guardian served.

If your spouse will not sign an Acceptance of Service, you cannot serve your spouse by just handing him or her the papers yourself. *See the Northwest Justice Project publication "How to Serve Papers on the Other Party in a Family Law Case" listed under "How to Serve the Divorce Papers" in Resources at the end of this section.*

How Long Does a Divorce Take?

You must wait at least 90 days after filing papers with the court and serving them on your spouse/partner before you can be done with your divorce. If your spouse/partner decides not to participate at all in the divorce, he or she has not "appeared." What counts as an appearance will be up to the court. If your spouse/partner is properly served, you may be able to finalize your divorce after 90 days pass without your spouse/partner's participation. This is called a "default." To do so you take final divorce papers to the court to be signed by a judge or court commissioner.

Caution: If your spouse/partner is in the military there are added safeguards to protect him or her from default orders. You will still, however, be able to get a divorce.

If your case is not completed after 90 days, a trial will likely be scheduled where a judge will decide what the divorce terms will be. The trial will usually be a year or more after your divorce was filed. If you can't agree, but don't want a trial, you may try mediation, collaborative law, or a settlement conference to settle your disputes – in some counties, you are required to try some kind of alternative dispute resolution before your trial. *See the Legal Help chapter in this Handbook for more information about alternative dispute resolution and lawyer referral services.*

How Will a Divorce Change My Rights to Property and Other Benefits?

A divorce will divide your property and debts between you and your spouse/partner. The court is required to make a “fair and equitable” division of all property and debts. The court will assume that all debts and property belong to both of you, unless proven otherwise.

Caution: If you are dividing a retirement account, or transferring real property, stocks or vehicles, additional forms will usually be required. In the case of some retirement accounts, you will need to contact the retirement plan administrator or a lawyer to help you with the forms. *See Resources at the end of this section.*

Will a Divorce or Legal Separation Change My Estate Plan?

If you named your spouse or domestic partner as your agent in any of your estate planning documents, that will be revoked automatically when you get a divorce or legal separation. If you want your spouse or domestic partner to continue to be your agent even after divorce or separation, then you must say so in your estate planning documents. If not, then it is a good idea to name a new agent before you file for divorce or separation. *See the Planning for the Future chapter of this Handbook for information about estate planning.*

What If I Need Financial Help from My Ex?

The court may order one person to give money every month to the other person. This is called “maintenance.” The court will consider a range of factors when deciding maintenance. The court may set maintenance for the person's lifetime or for a shorter time period. Some maintenance orders may be changed, but you would need a lawyer to help with the paperwork.

What If I Need Help or Protection Before the Divorce Is Over?

At any time during the divorce process you may ask the court for “temporary orders.” Temporary orders spell out rights and obligations on a temporary basis until the divorce is final. For example, temporary orders can say who will live in the house, who will pay bills, and who will have property.

Temporary orders can include restraining orders. The restraining order may be used to help protect you and your property. If your spouse/partner violates the restraining order, he or she may be arrested and charged with a crime. You may also ask the court for help when a restraining order is violated by filing for “contempt.”

Can We Still Live Together after a Divorce?

Yes. However, living together after getting a divorce does not change divorce orders. And there may be legal consequences if you purchase property together, combine bank accounts, and hold yourselves out as a married couple. *See the “Domestic Partners and Unmarried Couples” section in this chapter.*

How Is a Legal Separation Different from a Divorce?

A legal separation provides many of the legally binding agreements and orders you can get in a divorce without having to get a divorce. A legal separation can be used when you wish to keep certain benefits that you would lose in a divorce, such as health insurance. To start your marriage or domestic partnership again, you must go back to court to have the decree of legal separation dismissed.

Caution: A legal separation may become a divorce if the other spouse/partner requests it and files the necessary court forms six months after the Decree of Legal Separation (final order) is signed by the court. Any final orders from the legal separation automatically become part of the final divorce at that time.

Can I Just Get an Annulment?

This is called a “Declaration of Invalidity of Marriage” in Washington. This is not easy. The court must decide that the marriage/domestic partnership should not have been allowed because, for example, one of you was already married; you are too closely related; you were under the influence of alcohol; someone was forced into the marriage; or a similar reason.

However, even if you meet any of those conditions, the marriage/domestic partnership could be “ratified” if you continue to live together. Once the marriage is ratified, you will need to go through a divorce.

Will the Court Decide on a Parenting Plan and Child Support?

Yes. In a divorce, the court will order a parenting plan and child support for minor children of your relationship. Even if you and the other parent agree, you still need to write up a parenting plan and child support order for the judge to sign.

What If We Are Both Guardians or Custodians of Minor Children?

If you and your spouse are both named as legal guardians or you both share nonparental custody of a minor child – a grandchild, for example – and you get a divorce, then you should talk to a lawyer. *Also see the “Grandparents and Grandchildren” section of this chapter.*

Resources

Divorce and Rights to Property and Other Benefits

- *Community Debt and Bankruptcy Issues*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then “Bankruptcy”
- *Divorce and Future Retirement Benefits*, by Legal Voice (also available in Russian)
Online: www.legalvoice.org; click “Tools & Resources,” then “Family Law”
- EX-POSE (Ex-Partners of Servicemen/women for Equality): Information about military pension and other benefits for women in military marriages, military divorces as well as referrals to lawyers for members.
By phone: 703-941-5844
By mail: PO Box 11191, Alexandria, VA 22312
Online: www.ex-pose.org

How to Serve the Divorce Papers

- *How to Serve the Opposing Party in Your Family Law Case*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Family Law,” then “Preparing for family court”

How and Where to File the Divorce

- Family Law Facilitators: Court staff who will help you get the right forms and instructions, and will review your completed forms.
Online: www.courts.wa.gov/court_dir/?fa=court_dir.facils
- Online divorce service: For divorce without minor children. After you complete the interview, the service provides completed court forms and instructions on filing them.
Online: www.washingtonlawhelp.org/dissolution
- Washington Court forms for dissolution, legal separation, and more (but it is better to get instructions and forms from your Family Law Facilitator or the Northwest Justice Project)
In person: Your Superior Court Clerk’s office will sell forms to you.
Online: www.courts.wa.gov/forms/ (includes some forms in Spanish)
- King County Court forms:
Online: www.kingcounty.gov/courts/scforms/familylaw.aspx (includes some forms in Spanish)
- Other Counties Court Forms: Check the county’s website.
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org/issues/family-law/dissolution-of-marriage-divorce
 - *Ending Your Marriage or Domestic Partnership in Washington with Children: the Basics*
 - *Ending Your Marriage or Domestic Partnership in Washington without Children: the Basics*
 - *General Information about Divorce*
 - *Filing for Divorce*
 - *Filing for Divorce in Washington with No Minor Children – Self-Help Forms*
 - *Filing to End Your Domestic Partnership*

Who Can Get a Divorce in Washington

- Legal Voice publications:
Online: www.legalvoice.org; click “Tools & Resources,” then “Family Law”
 - *Dissolution (Divorce) When the Wife is Pregnant*
 - *Marriage for Same-Sex Couples in Washington State*
 - *Questions and Answers: Washington’s Domestic Partnership Law*

Domestic Partners and Unmarried Couples

What Is the Domestic Partner Registry?

In Washington, some unmarried couples can register as domestic partners. You do this by filing a Declaration of State Registered Domestic Partners with the Secretary of State and paying a \$50 filing fee. To qualify for a domestic partnership, both of you must be at least 18 years old and one of you must be at least 62 years old; both of you must be capable of consenting to the domestic partnership; neither can be married or in a domestic partnership with another person; you cannot be close relatives; and you must live together. Both same-sex couples and different-sex couples can register as domestic partners.

You can get the declaration form from www.secstate.wa.gov or from the Superior Court Clerk's office in your county. After you complete the declaration, pay the filing fee and send these documents to the Secretary of State, a domestic partnership is created. Each partner will receive an original certificate and a wallet card showing the registration. The partnership continues until it is terminated. The registry records are public documents and are maintained by the Secretary of State.

As of December 3, 2009, the law gives registered domestic partners in Washington most of the rights and responsibilities of married couples under state law. *See the "Marriage" section of this chapter.*

This is a state law, so it does not give domestic partners the same federal benefits of marriage. It also does not automatically transfer to most other states.

What Is a Living Together Contract?

A Living Together Contract (LTC) is an agreement between two unmarried people in a committed relationship. It sets forth how the partners wish to share their property and debts. It is a good idea for any unmarried couple that is living together to set up ground rules for how bills will be paid, and how property and debt acquired together will be handled if the relationship ends. This is true whether or not you are registered domestic partners. If you do not share money or income, and do not plan on getting property or incurring debt together, it may not be necessary to have an LTC. An LTC can be as detailed or limited as you want it to be. *See Resources at the end of this section for more information about living together contracts.*

If you are registered domestic partners, then state laws about marital property and debt will apply instead of the LTC if there is a dispute. For example, real estate bought during the domestic partnership will probably belong to both of you, regardless of what the LTC says. *See the "Marriage" and the "Divorce" sections of this chapter for more information.*

How Can We Divide Our Property and Debts When the Relationship Ends If We Are NOT Registered Domestic Partners?

If an unmarried couple decides to end their relationship, they can divide property and debts by agreement. If you have an LTC, you can divide your property and debts as set forth in the contract. All of this can be done without court action. You can use a mediator to help in this process. *See Resources at the end of this section for more information about mediators.*

If you cannot agree, one of you can file a lawsuit to divide property and debts acquired during your relationship. In Washington, such a lawsuit may be based on what is called the "Committed Intimate Relationship" doctrine. It is best to hire a lawyer but you don't have to. You can represent yourself in a court

case. A lawsuit is started by filing a summons and complaint. You will need to file them at the court and then have copies served on your partner to start the lawsuit.

How Can We Divide Our Property and Debts When the Relationship Ends If We ARE Registered Domestic Partners?

All terminations of state-registered domestic partnerships are handled by the courts similar to a divorce proceeding. There are mandatory forms to use and the divorce laws apply. You will have to go to court and get your documents signed by a judge even if you and your domestic partner agree.

If the termination is caused by the death of one partner, then a termination may be filed with the Office of the Secretary of State if you send it with a death certificate.

What If We Got Our Domestic Partnership or Civil Union from Outside Washington State?

If you registered as domestic partners or got a civil union somewhere outside Washington State, your legal relationship will be recognized as such by Washington State and you will enjoy the same benefits and responsibilities as Washington State registered domestic partners (*see the “Marriage” and the “Divorce” section of this chapter*). If you meet the qualifications to register as domestic partners in Washington, then your existing domestic partnership or civil union will be recognized for the long term - you do not need to do anything. But if you do not meet the qualifications to register in Washington, then your existing domestic partnership or civil union will only be recognized for one year, and you will have to get married in order to have a legally recognized relationship after that time.

Resources

Court Forms

- Washington Courts: Forms for dissolution, legal separation, and declaration of invalidity for domestic partnerships and more (but it is better to get instructions and forms from your Family Law Facilitator or the Northwest Justice Project). Some forms in Spanish.
In person: Your Superior Court Clerk’s office will sell forms to you.
Online: www.courts.wa.gov/forms/; see links under “Ending the Marriage”
- King County Court forms:
Online: www.kingcounty.gov/courts/scforms/familylaw.aspx (includes some forms in Spanish)
- Other Counties Court Forms: Check specific county website.
- Dissolution of Marriage legal information, forms, and instructions:
Online: www.washingtonlawhelp.org; click on “Family Law,” then click on the appropriate heading

Dividing Property and Debt

- *Basic Estate Planning for Unmarried Couples*, by Legal Voice
Online: www.legalvoice.org; click on “Tools & Resources,” then “Wills, Estate Planning, & Death”

- Family Law Facilitators: Court staff who will help you get the right forms and instructions, and will review your completed forms.
By phone: Call your local courthouse for information about your local facilitator.
Online: www.courts.wa.gov; click “Court Directory,” then “Courthouse Facilitators” under “Other Directories”
- *Family Law Handbook: Understanding the Implications of Domestic Partnership and Dissolution in Washington State*, by Washington Courts
Online: www.courts.wa.gov; click on “Resources,” then the book’s title
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; use the search box at upper right to find these publications
 - *Living Together Contracts*
 - *Mediation: Should I Use It?*
 - *Washington Property Law for Unmarried Couples Who Are Separating*

Domestic Partner Registry

- *Questions and Answers: Washington’s Domestic Partnership Law*, by Legal Voice
Online: www.legalvoice.org; click “Tools & Resources,” then “Family Law”
- Washington Secretary of State: Registration of Domestic Partnerships
By phone: 360-725-0377
By mail: Secretary of State, Corporate Division, 801 Capitol Way South, PO Box 40234, Olympia WA 98504-0234
Online: www.secstate.wa.gov/corps/domesticpartnerships

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *Questions and Answers: Washington’s Domestic Partnership Law*, by Legal Voice
Online: www.legalvoice.org; click “Tools & Resources,” then “Family Law”
- National Center for Lesbian Rights publications:
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online:
 - *Planning with Purpose: Legal Basics for LGBT Elders* (see Part V)
www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf
 - *Navigating the System*: The state information is for California, but the general tips and federal information are useful for Washington residents.
www.nclrights.org/wp-content/uploads/2013/04/Publications_Navigating-System.pdf

Living Together Contracts

- *Living Together Contracts*, by the Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Family Law,” then “Unmarried couples”

Grandparents and Grandchildren

Visitation

As of 2015, there is no law in Washington State that allows nonparents – including grandparents – to get court-ordered visitation of children over the objections of the children’s parent. However, sometimes agreements can be made through mediation. Mediation is a way for people to find their own solution with the help of a trained mediator, outside of court. *See the Legal Help chapter of this Handbook for more information.*

Custodial Arrangements

Under Washington law there are several ways to get custody of a child who is not your own.

Nonparental Custody

A person who is not the child’s parent may request nonparental custody of a child. To start this court action, you must file a petition in Superior Court in the county where the child lives or can be found. You may start this type of action only if the child is not in the physical custody of the parents, or if you can show that neither parent is a suitable custodian for the child. You must also state facts that show the child’s parent is unfit or that placing the child with the parent would negatively impact the child’s growth and development. The court will consider your and all of your household member’s criminal history and any history with Child Protective Services (CPS).

Temporary Parental Consent Agreement

If you are only caring for the child temporarily, and do not want permanent legal custody, a temporary parental consent agreement is an option. A temporary parental consent agreement gives you the authority to make medical and educational decisions for the child, and to get services for the child. With a temporary parental consent agreement in place, schools, doctors, and other individuals and organizations may accept your authority to act on behalf of the child. A temporary parental consent agreement lasts as long as both you and the parents want it to. If you are planning to care for the child for longer than a year, you should seek a more formal arrangement, like nonparental custody as discussed above.

Guardianship

A person who is not the child’s parent may be appointed guardian by the court during a dependency proceeding. Any party to the dependency case can petition the court for a guardianship. All parties must agree to the guardianship unless certain other requirements are met. A guardian has legal right to custody of the child until the child turns 18 or the court terminates the guardianship.

See Resources at the end of this section for more information.

Adoption

Adoption is a process in which a court creates the legal relationship of parent and child between people who are not parent and child by birth. Once a child is adopted, that child has the same rights to support, inheritance, etc., as a birth child, and the adoptive parent has the same legal duties toward the adopted child as toward a birth child. In most cases, adoption also involves the final and complete “termination” (cut-off) of parental rights and obligations of the child’s birth parents. *See Resources at the end of this section for more information.*

Financial Assistance

Grandparent caregivers may need financial support to help meet the needs of the child. There are several potential sources of financial assistance for relative caregivers:

- Temporary Assistance for Needy Families (TANF)
- Food assistance
- Foster care
- Adoption assistance
- Subsidized guardianships
- Relative support services
- Kinship Caregivers Support Program
- Child support payments from the child’s parents

There are two types of TANF grants, the “child-only grant” and the “family grant.” The child-only grant considers only the needs and income of the child. Because typically children have no assets of their own, almost all relative caregivers can receive a child-only grant; however Washington has been limiting its child-only grants to relative caregivers with very low incomes. These grants are quite small – as of July, 2012 a single child in Washington, living with a nonparent caretaker, received a maximum of \$305 per month. The family grant is available to relative caregivers who meet the state’s income criteria. Although these grants are usually larger than the child-only grants, there is a 60-month time limit and work requirements on family grant recipients. *See the “State Financial Benefits” section of the Financial Benefit Programs chapter in this Handbook for more information.*

Even though you are caring for your grandchild in your home, the child’s parents are still financially responsible for the child. If you are receiving public assistance (TANF, medical assistance or foster care assistance), the Division of Child Support (DCS) will automatically collect child support from the child’s parents to reimburse the state. If you are not receiving public assistance, you can still apply to DCS for help collecting child support from the parents. If you are afraid that pursuing child support may cause the parents to take their child back, and if this might be harmful for your grandchild, you can claim “good cause” and ask DCS to not pursue it further.

School District Residency Requirements

As soon as you gain custody of your grandchild, you should call the local school district and get the name and address of the neighborhood school the child will attend. A child should not be out of school for more than three days. The district may request immunization records or a birth certificate. Even if you are missing

some of the required paperwork, the child will probably still be able to enroll and you will just have to complete the required paperwork and turn it in as soon as possible.

The school district is required to help you enroll your student. They may waive the need for parents' signatures, arrange for vaccinations, or have a person who helps children who are homeless with enrollment issues. If you don't want your grandchild to change schools after the child moves in with you, find out if she or he is covered by the McKinney-Vento Homeless Assistance Act. This law allows children who are homeless to stay in their original school, and provides transportation in order to make this possible. Children may qualify under the Act if they live in short-term relative care or short-term foster homes. Ask the school district about this.

Consenting to Health Care

A kinship caregiver is a relative who is taking care of a child but is not the child's parent. Some kinship caregivers have a court order that allows them to consent to health care for the child, but many do not. Sometimes caregivers who do not have court orders may have problems getting health care for the child. *See Resources at the end of this section.*

Recently Washington changed the law about health-care consent for minors. The following persons may now consent to health care for a child, even if they do not have court orders, as long as the parents are not available:

- An individual who has signed authorization from the child's parents to make health-care decisions for the child, or
- A relative caregiver who has signed and dated a declaration that says the caregiver is an adult relative responsible for the health of the minor child.

A declaration is a written statement that certain information is true. It is dated and signed "under penalty of perjury under the laws of the state of Washington." After six months, you should fill out another declaration because it is only good for six months. The declaration does not grant you legal custody of the child, but simply allows you to consent to health care for the child.

A health-care provider may accept an oral statement from an adult who states that she or he is a relative responsible for the health care of the child, but they don't have to accept it.

For information on getting health care coverage for a child, see the Health Care chapter in this Handbook.

Resources

Consenting to Health Care

- *A Kinship Caregiver's Guide to Consenting to Health Care*, by Columbia Legal Services
Online: www.washingtonlawhelp.org; click on "Family Law," then "Non-parents caring for children"

Custodial Arrangements

- Dispute Resolution Centers: Nonprofits which provide low-cost mediation services
Online: www.courts.wa.gov; click "Court Directory," then "Dispute Resolution Centers" under "Other Directories"
- "Legal Options for Grandparents and Relatives Raising Children in Washington State," a video by DSHS
By phone: 1-800-422-3263 (toll-free)
By email: Hilari.Hauptman@dshs.wa.gov
Online: www.dshs.wa.gov/kinshipcare/legalissues.shtml
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on "Family Law"
 - *Child Protective Services (CPS) and Dependency Actions*, under "The child protection system"
 - *Non-parent Custody of a Child: Frequently Asked Questions*, under "Non-parent custody"
- *Options for Grandparents and Other Nonparental Caregivers*, by Legal Voice: This book gives basic information on the dependency process; adoption; guardianship; nonparental (third-party) custody; visitation; Indian Child Welfare Act; temporary parental consent agreements; and child in need of care and at-risk youth procedures. Cost: \$10
By phone: 206-682-9552 ext 114
Online: www.legalvoice.org; click "Tools & Resources," then "Family Law"

Financial Assistance

- Kinship Care in Washington State: Provides information about Kinship Care benefits, legal issues, and support groups.
Online: www.dshs.wa.gov/altsa/hcs/kinship-care/benefits
 - About Kinship Navigators: www.dshs.wa.gov/node/2702



CHAPTER 9

Personal Finances

Banking

Bank Accounts

What Kinds of Accounts Are Available?

You have many choices when it comes to where to keep your money:

- **A savings account:** Pays you a profit (“interest”) on the money you keep in the account. The number of withdrawals you can make may be limited.
- **A checking account:** Lets you deposit and take out your money more easily than other accounts. You can pay for things or withdraw cash with a personal check or a debit card.
- **A certificate of deposit (CD):** Pays you interest, generally more than a savings account. You must leave your money in the account for a set amount of time, or pay a penalty.
- **A money market account:** Is like a savings account, but it generally pays more interest. Usually you must have a set amount of money in the account at all times, and the number of withdrawals may be limited.

How Do I Choose an Account Type?

When you are choosing the account type that is right for you, consider:

- **Interest:** Will your account earn interest? How much? When will the bank pay you the interest?
- **Minimum deposit requirement:** Does the account require you to deposit a minimum amount of money to open it? What happens if your account falls below that amount?
- **Limit on withdrawals:** Can you take money out whenever you want?
- **Deposit insurance:** Is your bank a member of the Federal Deposit Insurance Corporation (FDIC)? Is your credit union a member of the National Credit Union Share Insurance Fund? If so, your account will be insured up to \$250,000.
- **Easy access:** How easy is it to deposit or withdraw money?
- **Fees:** Is there a monthly fee, or other fees?
- **Deposit holds:** Is there a waiting period after a check is deposited in your account?
- **Overdrafts:** What fees are charged if you don’t have enough money in your account to cover a check you write? What are the options for overdraft protection?

Can I Open an Account If I Am an Immigrant?

Banks require a social security number and identification like a passport or driver's license to open an account. If you are an immigrant who does not have this type of identification, you may be able to negotiate with the bank, but it is possible that you won't be able to open an account.

What About ATM Services and Debit Cards?

If you choose an account that gives you access to ATM machines and a debit card, consider:

- **Transfers:** You can use an ATM machine to withdraw cash from your account, make deposits, or transfer money between accounts at the same bank.
- **Fees:** You may be charged a fee if you use an ATM machine at a different bank.
- **Retail purchases:** You can use your debit card to buy things. The money is usually taken out of your account the same day, and you can't stop a payment.

Most cards that give you access to an ATM machine are debit cards, but ATM cards are also available. ATM cards allow withdrawals of cash from your account, but they are not used for retail purchases.

How Do I Find Help or File a Complaint Against My Bank?

Banks are regulated by a number of federal and state agencies (*see Resources for contact information*).

- Washington State-chartered banks, savings and loans, and credit unions are regulated by the Washington State Department of Financial Institutions (DFI).
- National banks (banks with "National" or "NA" in the name), federal savings and loans, and federal savings banks are regulated by the U.S. Department of the Treasury.
- Federally chartered credit unions are regulated by the National Credit Union Administration.

Often financial institutions are members of the Federal Reserve System. That agency may also be able to help you.

What Are Fake Check Scams?

Fake checks can look so real that they will fool you and even fool bank tellers. But the bottom line is that YOU are responsible for checks you deposit. If you take out money with a fake check, even if you don't know it is fake, you will owe the bank all the money you took out.

- If you receive a check in the mail that you did not ask for or is not owed to you, DO NOT cash it. You could be agreeing to pay for products or services you do not want or need.
- If someone you do not know or do not trust wants to pay you by check, insist on a cashier's check from a local bank. If you accept a check, never agree to send some of that money back to the sender.

For more information on how to avoid check scams, see Resources at the end of this section. For more information about scams, see the "Consumer Scams and Fraud" section of the Consumer Guide chapter in this Handbook.

What Should I Do If My Debit or Credit Card Is Lost or Stolen?

If your debit or credit card is lost or stolen, you should call the bank immediately. It is a good idea to follow up your phone call with a letter. If you report it before someone else uses the card, you won't be responsible for any money the thief takes.

For a debit card, if you report it within two business days after you realize it is missing, you will only be responsible for up to \$50. If you report your card lost or stolen after that, you may owe a lot more. For a credit card, the most you will owe is \$50.

Credit Cards

How Do Credit Cards Work?

When you pay for things or borrow money with a credit card, you must pay the money back over time. The bank will charge you interest if you do not pay the money back usually within 21 days. The best card for you will be the one that is accepted where you shop and that offers you the most reasonable fees, charges, interest rates, and benefits.

How Should I Choose a Credit Card?

When you choose a card, be sure you consider details such as:

- **Fees:** What fees will you pay (late fees, over-limit fees, cash advance fees, etc.)?
- **Interest rate:** What interest rate will you pay? Is the interest rate fixed (a specified percentage that does not change) or variable (percentage that can change)? When can the bank change the rate? (As of 2010, if you pay on time, your bank can't change your fixed rate or variable rate formula during the first year.)
- **Other benefits:** What other benefits does the card offer (airline miles, rebates, etc.)?
- **Grace period:** A grace period is a set number of days you have to pay your monthly bill before the bank starts to charge fees and interest. It is usually about 21 days.
- **Secured credit card:** Does the bank require you to have a checking or savings account with it? Can the bank take money from your account if you do not pay your credit card bill?
- **Offset:** If you don't make a payment on time, can the bank freeze or take money from another account?

You can learn all this from the disclosure form before you get a credit card. It is usually included with the application.

What Else Could I Be Charged?

Many banks charge a fee for giving you a credit card. It may be called a “membership” or “participation” fee, an “annual” fee, or a “monthly maintenance” fee. Most banks will also charge an additional fee if you use your credit card to get cash, if you use it in another country, or if you transfer the balance from another credit card to take advantage of their lower rate.

Some banks will also raise your interest rate to as much as 20% if you make several late payments. If your payment is more than 60 days late, your bank can charge this higher rate on old balances, but you can usually get your old rate back if you make the next six months of minimum payments on time.

What If My Credit Card Bill Is Wrong?

Federal law protects you if a billing error occurs. If you think your credit card bill contains an error, write a letter to your bank within 60 days of the statement date on the bill to tell the bank about the error. Pay the rest of the bill. You do not have to pay the disputed amount. If there is an error, your account must be corrected. If there is no error, the credit card company must send you an explanation and a statement of the amount you owe.

What If Goods I Buy with My Credit Card Are Damaged or Poor Quality?

Under federal law, you don't have to pay for any damaged or poor-quality goods you purchase with a credit card if they are more than \$50. It doesn't matter if you have already accepted the goods or services. But, you must try to solve the problem with the merchant. You should also notify your bank in writing and explain why you are not paying. You should not pay the disputed amount while the bank investigates your claim.

What Else Should I Know?

- Many banks send “preapproved” credit card offers in the mail. Read the fine print carefully. You must agree before a credit card can be sent to you.
- Avoid multiple credit cards. Too much credit can lead to debt you may not be able to manage.
- Beware of temporary “teaser” interest rates – rates that are available, for instance, only for the first six months. After that your balance will be subject to the new, often much higher, “regular” rate.
- Sign your credit card as soon as it arrives.
- Keep a record of your account numbers, their expiration dates, and the phone number and address of each bank in a safe place, in case your card is lost or stolen.
- Review your credit card statement carefully every month and pay on time. The lender must mail your credit card statement at least 21 days before the due date.
- It is generally best to avoid special services that banks offer to bill to your card – things like credit card fraud protection plans, life insurance, and over-the-limit protection.
- Beware of giving your credit card number over the phone or Internet. Don't give it to someone who contacts you.
- If you can't pay your bill, contact the bank and try to work out payments that fit your budget. Ask if the bank will waive fees, lower the interest rate, or make other changes to lower your payment. Pay more important bills first, like your mortgage or utilities.
- Be wary of offers or calls (even from “cardholder services”) that offer to lower your credit card rates. They are almost always scams. You should not have to pay to get a lower rate.

For more information on scams and frauds, see the “Consumer Scams and Fraud” section of the Consumer Guide chapter, including Resources.

Resources

Banking and Credit Card Scams

- *Avoiding Credit and Charge Card Fraud*, by Washington State Department of Financial Institutions
Online: www.dfi.wa.gov/consumers/education/credit/avoid_credit_fraud.htm
- National Consumers League: To learn more about fake check scams.
By phone: 202-835-3323
Online: www.fakechecks.org

Filing a Complaint

- National Credit Union Administration: To learn more about credit unions or file a complaint.
By phone: 1-800-755-1030 (toll-free)
Online: www.mycreditunion.gov/consumer-assistance-center/Pages/default.aspx
- U.S. Department of the Treasury - Office of the Comptroller of the Currency: For information on bank accounts and credit cards, and to file a complaint against a national bank.
By phone: 1-800-613-6743 (toll-free)
Online: www.helpwithmybank.gov
- Washington State Department of Financial Institutions (DFI): To file a complaint against a state-chartered bank, savings and loan, or credit union. The website also lists where to file complaints against other financial institutions.
By phone: 1-877-746-4334 (toll-free)
Online: www.dfi.wa.gov/banks/complaint.htm

Information About Banking and Credit Cards

- Consumer Action: Publications about banking in multiple languages.
By phone: 415-777-9648
By email: info@consumer-action.org
Online: www.consumer-action.org/publications/; click on “Banking”
- *Debit Card Frequently Asked Questions*, by Washington State Department of Financial Institutions
Online: www.dfi.wa.gov/consumers/education/debit_faq.htm
- Federal Reserve: For information on checking accounts (including debit and ATM cards), electronic banking, deposit insurance, credit cards (on consumer credit page), and other topics.
By phone: 1-888-851-1920 (toll-free)
Online: www.federalreserveconsumerhelp.gov/
- National Consumer Law Center: For consumer brochures on banking and credit cards (many also available in Chinese, Korean, Russian, Spanish, and Vietnamese).
By phone: 617-542-8010
Online: www.nclc.org/for-consumers/brochures-by-topic.html
- Privacy Rights Clearinghouse: Publications about banking and privacy.
By phone: 619-298-3396
Online: www.privacyrights.org; click on “Banking & Finance”

Credit and Debt

Credit and Debt – What Are They?

“Credit” is the ability to get cash now and repay later. The cash amount you must repay, including fees and interest, is your “debt.” A person or business that gives you credit is called a “creditor.”

Unsecured and Secured Credit

Unsecured creditors, like credit card companies, doctors, and payday lenders, agree to loan you money or sell you services or goods based only on your agreement to pay later.

Secured creditors, like mortgage lenders, auto loan lenders, and pawnbrokers, tie the credit they give you to an item of your property. These creditors can take that property if you do not make your payments. The property can be what you bought with their loan, or something else.

Rent-to-buy arrangements are a cross between secured and unsecured credit. You get to use the item (like a refrigerator) while you make payments, but you will not own it until you have made all the payments.

Getting Credit

Your income, property, and history with credit and debt will affect the kind of credit you can get.

Make sure the creditor knows about all your income and assets, such as your home, savings, pensions, Social Security, investments (including annuities), IRAs, 401(k)'s, and current employment. A creditor must consider income from all sources.

It is important to have a good personal credit history. You can do this, for example, by paying your bills on time, setting up an account with a local store and making payments on time, taking out a small loan and repaying it on time, or using a credit card and paying the balance each month. If you are married, you may also want to open a bank account in your own name. Make sure that your name is on the family accounts and loans.

If you are an immigrant, you will not be able to use credit history from your home country. You might have to work for several years with a stable income before you can get credit. Start by opening a bank account, and deposit money regularly. A secured credit card (secured by the money in your account) can also help you build your credit history.

If you are denied credit, you have the right to know why. If you think there was a mistake or they didn't have all the information, ask them to reconsider. A creditor cannot deny credit based on your age or other personal characteristic protected by law (such as race, religion, national origin, or gender). If you think they discriminated against you, send an official complaint and supporting documents to their regulator (*see Resources at the end of this section*), and think about talking to a lawyer.

Credit Reports

Three nationwide companies (credit bureaus)—Equifax, Experian, and TransUnion—collect and sell information on consumers' credit histories. They can sell your credit report to creditors, insurers, employers, and others.

You have the right to one free credit report every 12 months. If a creditor or insurer makes a negative decision, you might be eligible for another free credit report. *See Resources at the end of this section.* Note that each credit bureau's report may be different. It's wise to review your credit reports regularly.

Your credit report includes information such as where you live; your marital status; your birth date; your Social Security number; employment and income information; if you pay your bills on time; if you have been sued or arrested; and if you have filed for bankruptcy.

Under the Fair Credit Reporting Act (FCRA), creditors must give complete and true information to the credit bureaus, and give you 30 days' notice when they plan to give negative credit information about you. There are time limits on some information, like bankruptcies (generally 10 years) and tax liens and other negative credit information (generally seven years). Some information has no time limit, like your criminal record. If you use credit to pay for medical treatment, they must get your permission before including medical information in your credit report, which can then go only to potential insurers and potential employers.

A creditor must tell you if it makes a negative decision, like refusing credit, offering you less credit, or charging a higher interest rate. The creditor must give you specific reasons for the decision, and it must tell you what credit bureau it used.

The FCRA requires credit bureaus and creditors to provide correct information in your credit report. *See Resources at the end of this section for information on how to dispute errors or add information to your credit report.* However, not all creditors are required to report to the credit bureaus.

Also, if you think information in a creditor's billing statement is not correct, write a letter to the creditor with copies of documents proving it. If the creditor finds you are right, it cannot report the same information again. Even if the creditor does not agree with you, it must include a notice of your dispute when reporting to the credit bureaus.

Credit Scores

Both large creditors and credit reporting companies create "credit scores" for all possible borrowers. Your credit score is a fast way to measure how likely you are to pay your debt on time.

Each reporting company has its own credit score formula, and may include your score in your credit report. You have a right to know your credit score, though you may have to pay for it.

The Cost of Credit

Creditors make a profit by charging fees and interest. If you make late payments or spend more than your credit limit, you might have to pay a fee. Interest rates can vary widely depending on the creditor. The amount you end up paying will depend on your interest rate and how long you take to pay back the debt.

Know the terms of your credit agreement, such as when they can change your interest rate, add new fees, or lower your credit limit. You have rights. For example, the CARD Act regulates credit card interest and fees. *See Resources at the end of this section.*

Avoiding Credit Problems

You can avoid the most expensive types of credit by asking questions and shopping around. This is true even if you have credit problems. Here are some good suggestions:

- Shop for credit. Compare both rates and fees. A bank or a credit union will charge 10-20% per year for a small loan. Compare this with as much as 254-830% for a pawnbroker or a rent-to-own store, and 730% for payday loans.
- Be careful when choosing credit. Consider all the details—minimum payments, interest and fees, penalties, how long you will be paying, etc. Take the paperwork home and read it carefully. Do not be rushed into signing. Do not sign unless you completely understand the terms.
- For credit cards, do not spend more than your limit and make your payment on time. Try to pay your balance each month or at least keep your balance low. Credit card debt can make retirement very difficult for seniors or may lead to bankruptcy. *See the discussion about credit cards in the “Banking” section of this chapter.*
- Beware of “credit repair” companies that offer to help raise your credit score and “debt-relief” companies that offer to lower or erase your debt. These companies are often expensive and probably will not deliver what they promise. *See the “Consumer Scams and Fraud” section of the Consumer Guide chapter for more information about scams.*

More Debts Than Money – What Should I Do?

If your income will not cover all your bills and you need help figuring out what to do, *read the Northwest Justice Project publication “Prioritizing Debt: Which Bills Do I Pay First?” listed in Resources at the end of this section.*

Creditors’ Rights

Creditors have legal rights if you do not pay your debts. They can take you to court. If they win, they can sell your property and possibly take other assets to settle your debt. They can also garnish wages or bank accounts. Secured creditors, like mortgage and auto loan creditors, can take your property without going to court. Creditors can hire collection agencies that will make intense efforts to collect the debt from you.

Debtors’ Rights and Resources

As a debtor, you have rights and resources to help you deal with creditors.

If an item you bought on credit is defective, you may have the right to stop making payments. Follow the rules of your credit card contract (*see the “Banking” section of this chapter*), speak with the seller, or contact a lawyer.

If you are having trouble paying a car or home loan, you may be able to negotiate with your creditor to lower the amount you owe each month. You may also be able to refinance the loan or sell the car or home to pay off the creditor.

The Fair Debt Collection Practices Act sets limits on what debt collectors can do. A debt collector cannot call you before 8:00 AM, after 9:00 PM, or at your work if they know you can’t take personal calls. They cannot harass you, lie, or break laws when trying to collect. They must honor your written request to stop such contact, but they can still try to collect the debt in other ways.

Under a 2011 federal rule, certain federal benefits are protected from garnishment by creditors (except for child support and by the U.S. government). This generally applies to Social Security, SSI, Veterans’, Railroad Retirement, and Federal Government employees’ retirement benefits that are automatically deposited into bank or credit union accounts. An amount equal to two months of these benefits must remain available to the account holder. *See Resources at the end of this section for information about signing up for direct deposit.*

What If I Am Sued for a Debt?

If you are sued for not paying your debt, you will receive a “Summons” and “Complaint.” You need to read it carefully, respond on time, and talk to a lawyer if possible.

If you admit to what the creditor has said in the Complaint, or if you do not respond on time, the creditor will get everything it asked for. If you deny what the creditor has said in the Complaint, then the issues may go to trial or arbitration.

Washington law protects some income, assets, and property from creditors. *Read the Northwest Justice Project publication “Debtor’s Rights in a Lawsuit” listed in Resources at the end of this section.*

Resources

Credit and Debt Counseling

- American Consumer Credit Counseling: A nonprofit organization that helps clients gain financial control through debt consolidation and credit counseling.
By phone: 1-800-769-3571 (toll-free)
Online: www.consumercredit.com
- Apprisen Financial Advocates (Consumer Credit Counseling Service): A nonprofit organization that provides advice and education to help clients gain necessary skills to make smart financial decisions. It has a debt management program and an online financial advisor.
By phone: 1-800-355-2227 (toll-free)
Online: www.apprisen.com
- Asian Counseling and Referral Service: Information and referral for King County residents regarding financial issues.
By phone: 206-695-7600; TTY: 1-800-833-6384
Online: www.acrs.org/services/
- Clearpoint Financial Solutions Credit Counseling: Offers credit counseling, credit report, and bankruptcy counseling; it offers low-cost personalized sessions.
By phone: 1-800-750-2227 (toll-free)
Online: www.clearpointfinancialsolutions.org
- CENTS: Provides free financial management advice and classes in Washington State.
Online: <http://centsprogram.org>
- National Foundation for Credit Counseling: Information about bankruptcy and referrals for credit counseling.
By phone: 1-800-388-2227 (toll-free)
Online: www.nfcc.org
- United States Trustee Program: Credit counseling agencies listed on this Web page are nonprofit budget and credit counseling agencies approved to provide counseling that individuals must take before they are eligible to file for bankruptcy protection.
Online: www.justice.gov/ust/eo/bapcpa/ccde/cc_approved.htm

Getting Free Credit Reports

- Annual Credit Report: You can get a free credit report immediately.
By mail: You can print out a form to ask for a credit report at www.ftc.gov/credit and mail it to: Annual Credit Report Request Service, P.O. Box 105283, Atlanta, GA 30348-5283 (they will mail your credit report within 15 days of receiving your request)
Online: www.annualcreditreport.com

How to Dispute Credit Report Errors

- Federal Trade Commission (FTC): Information about disputing credit report errors. (Also see the FTC publications listed on the next page.)
By phone: 1-877-FTC-HELP (1-877-382-4357) (toll-free); TTY: 1-866-653-4261 (toll-free)
Online: www.ftc.gov/bcp/edu/pubs/consumer/credit/cre21.shtm

Legal Resources for Credit and Debt Problems

- Debt Collection Defense Clinic: Advice and assistance for low-income King County debtors; drop-in 1:00 PM to 3:00 PM on Tuesday afternoons at the King County Law Library, 516 3rd Avenue, #W621, Seattle, Washington
Online: www.kcll.org/articles/debt-collection-defense-clinic
- Make Change! Debt Education Workshops: Monthly class for low-income King County residents
By phone: 206-267-7070
Online: www.kcba.org/pbs/makechange/default.aspx
- Northwest Consumer Law Center: Provides free and low-cost services in Washington State for those facing civil legal issues, specifically foreclosure prevention, debt collection and other financial consumer issues.
By phone: 1-888-978-3386 (toll-free)
By email: admin@nwclc.org
Online: www.nwclc.org

More Legal Information

- Consumer Action: Publications about credit in multiple languages.
By phone: 415-777-9635
By email: info@consumer-action.org
Online: www.consumer-action.org/publications; click on “Credit”
- *Debt Collection Lawsuit Guide*, by King County Law Library Research Guide
Online: www.kcll.org/researchhelp/researchguides/debtcollectionguide.htm

- Federal Trade Commission (FTC), Bureau of Consumer Protection, Division of Consumer and Business Education publications:
By phone: 1-877-FTC-HELP (1-877-382-4357) (toll-free); TTY: 1-866-653-4261 (toll-free)
Online: <https://bulkorder.ftc.gov/publications>; scroll through the publication list or use the search box at upper right to find these publications; click the title, then click “View PDF (### KB)” under the image to view and download publications for free

- *Choosing a Credit Counselor*
- *Credit and Your Consumer Rights*
- *Credit Repair: How to Help Yourself*
- *Debt Collection*
- *Disputing Errors on Credit Reports*
- *Fair Debt Collection Practices Act*
- *Your Equal Credit Opportunity Rights*
- And many more.

- National Consumer Law Center publications:

By phone: 617-542-8010

Online: www.nclc.org/for-consumers/brochures-for-older-consumers.html

- *Borrower Beware: The High Cost of Payday and Auto Title Lenders, Pawn Brokers, and Rent-to-Own Stores*
- *Get Real Debt Help, Not Empty Promises*
- *Guide to Surviving Debt* (click the link at right to purchase; check your local library for a free copy)

- Northwest Justice Project publications:

Online: www.washingtonlawhelp.org; click on “Consumer & Debt”

Under “Debt Collection” (note: there are two pages to this list):

- *Community Debt and Bankruptcy Issues*
- *Debtor’s Rights: Dealing with Collection Agencies*
- *Debtor’s Rights in a Lawsuit*
- *How do I Answer a Lawsuit for Debt Collection?*
- *How to Claim Personal Property Exemptions*
- *Payday Loans: What to Do if You Get Caught in the Debt Trap*
- *Prioritizing Debt: Which Bills Do I Pay First?*

Under “Student Loans”:

- *Discharge Student Loans Due To Disability*
- *Student Loans: Default and Delinquency*

- Washington State Attorney General publications:
By phone: 1-800-551-4636 (toll-free) (in state only); 206-464-6684 (out of state);
TTY: 1-800-833-6388 (toll-free)
Online: www.atg.wa.gov
 - *Automobile Buying/Leasing*
 - *Cancellation Rights*
 - *Consumer Disputes*
 - *Credit, Collections and Repossessions*
 - *Credit Reports*
- Washington State Department of Financial Institutions: Information about credit issues for consumers.
By phone: 1-877-746-4334 (toll-free)
By email: webguy@dfi.wa.gov
Online: www.dfi.wa.gov/financial-education/information/credit-and-debt
- *Your Medical Bills: A Consumer's Guide to Coping with Medical Debt*, by FamiliesUSA: Information on handling medical expenses.
By phone: 202-628-3030
Online: http://familiesusa.org/sites/default/files/product_documents/medical-debt-fact-sheet.pdf

Protection of Federal Benefits from Creditors

- Federal Trade Commission (FTC): For information about garnishment of federal benefits or to file a complaint.
By phone: 1-877-382-4357 (toll-free); TTY: 1-866-653-4261 (toll-free)
Online: www.consumer.ftc.gov/articles/0114-garnishing-federal-benefits
- U.S. Department of the Treasury, Financial Management Service: Sign up for direct deposit of federal benefits.
By phone: 1-800-304-3107 (toll-free)
Online: www.fiscal.treasury.gov/fsservices/gov/pmt/eft/eft_home.htm

The “CARD Act”

- Credit Card Accountability, Responsibility and Disclosure Act of 2009
Online: www.credit.com/credit-law/credit-card-act-of-2009/

To File a Complaint About a Loan, Contact the Agency That Regulates Your Lender

- National Credit Union Administration: To learn more about credit unions or file a complaint
By phone: 1-800-755-1030 (toll-free)
Online: www.ncua.gov/Pages/default.aspx
- U.S. Department of the Treasury – Office of the Comptroller of the Currency: For information on bank accounts and credit cards, and to file a complaint against a national bank.
By phone: 1-800-613-6743 (toll-free)
Online: www.helpwithmybank.gov/

- U.S. Department of the Treasury – Office of Comptroller of the Currency: To file a complaint against federal savings and loans, and federal savings banks.
By phone: 1-800-613-6743 (toll-free)
Online: www.helpwithmybank.gov/complaints/index-file-a-bank-complaint.html
- Washington State Attorney General’s Office: File a complaint against retail creditors, pawnbrokers, and rent-to-own lessors.
By phone: 1-800-551-4636 (toll-free) (in state only); 206-464-6684 (out of state); TTY: 1-800-833-6388 (toll-free)
Online: www.atg.wa.gov/fileacomplaint.aspx
- Washington State Department of Financial Institutions (DFI): To file a complaint against a state-chartered bank, savings and loan, or credit union. The website also lists where to file complaints against other financial institutions.
By phone: 1-877-746-4334 (toll-free)
Online: www.dfi.wa.gov/banks/complaint.htm

Pension and Retirement Plans

This section is about how some pension plans and retirement plans work. This section also covers your basic rights under most plans. The information here should only be used as a starting point. Be aware that laws can change. You should always talk to a financial advisor before making any financial decisions.

Planning for Retirement

Generally, if you want to keep the same standard of living after you retire, you will need almost the same amount of money each month as you did when you were working (estimate 70-90%). Social Security pays about 40% of what you earned before retirement. The rest of your retirement income should come from pension or retirement plans (both called “retirement plans”), personal savings, and/or other investments. Considering that the average American spends 20 years in retirement, it is important to think about what your retirement expenses will likely be and to make a financial plan.

For information on planning for retirement or the amount Social Security will pay you, see Resources at the end of this section.

Employer-Sponsored Plans

Many employers offer retirement plans to their employees. These plans must follow a federal law called the Employee Retirement Income Security Act (ERISA), which sets minimum standards for employee health and retirement benefit plans.

A few retirement plans do not have to follow ERISA. Those plans are special insurance-deferred compensation plans (like life insurance), government plans, and plans from most tax-exempt organizations (non-profits, co-ops, religious associations, etc.). *See listings under “Other Retirement Plans...” in Resources at the end of this section.*

What Kinds of Plans Might an Employer Have?

Generally, a private company will have either a defined benefit plan or a defined contribution plan.

With a defined benefit plan, you will know exactly how much you will be paid when you retire; it is based on your salary, age, and the number of years you worked. For example, pensions and annuities are defined benefit plans.

With a defined contribution plan, you choose how much money to contribute, and often your employer will contribute as well. That money is then invested in stocks, mutual funds, etc. For example, 401(k)s and profit-sharing plans are defined contribution plans. The money you get from it depends on how much money was put in and the gains or losses of the investments.

If you work for the government or a non-profit, other plans may be available. *See the listings under “Other Retirement Plans...” in Resources at the end of this section.*

Can I Participate in My Employer’s Plan and, If So, When?

If your employer has a plan, you may be able to participate in it depending on several factors, like how long you have worked for the employer. Different workers sometimes have different plans. You can check with the plan administrator for details about your employer’s plans.

When Do I Get the Money from My Plan?

If you contribute money to your plan, you can take out all the money currently in the plan at any time. However, if your employer makes contributions as well, you usually have to work for that employer for a certain amount of time before that money is considered yours. This is known as “vesting.” Once you work for your employer for the required time, your benefits vest and become yours.

Usually, you must also be a certain age before you can take money from the plan. Sometimes you can take out money early, but you will pay a tax penalty. Review your employer’s plan documents for more details.

Is My Retirement Plan from My Employer Protected?

Yes, your retirement plan is protected by your employment contract and by state and federal law. You also have some legal protection if something bad happens to your employer-sponsored retirement plan. For example, if your employer terminates your plan while you are still working, your benefits could become fully vested automatically. Your employer cannot take vested benefits away from you.

For defined benefit plans, the Pension Benefit Guaranty Corporation (PBGC) guarantees payment of your vested benefits up to a certain amount. PBGC does not cover defined contribution plans, but you may have the right to sue if you think the company managing the plan did not act in your best interest.

Your employer cannot fire or punish you to avoid paying a plan benefit. Your employer cannot punish you for exercising your ERISA rights or for giving information or testimony in an investigation or legal proceeding related to ERISA. If your employer breaks these rules, talk to a lawyer. *See the listings under “Legal Help” in Resources at the end of this section, and the Legal Help chapter of this Handbook for information about finding a lawyer.*

What If I Take a Break from Working?

Vested benefits are never lost by taking a break from your job. For non-vested benefits, if your break is longer than 5 years or longer than the time you worked for your employer before the break (whichever is greater), then you will not be able to count the time before the break for purposes of vesting.

That means you will have to start over on counting work years before your benefits vest again. If your break is shorter, you can count the time before your break toward your unvested benefits, which means faster vesting on your return to work.

Can I Appeal My Employer’s Denial of Pension Benefits?

Your plan must have a written procedure for making a claim for benefits and for appealing any denial. The summary should have a description of these procedures. By law you must have a certain amount of time to appeal and be given a decision about a denial in writing. If you disagree with a final decision denying you benefits, talk to a lawyer. *See the listings under “Legal Help” in Resources at the end of this section, and the Legal Help chapter of this Handbook for information about finding a lawyer.*

What Other Retirement Plans Are Available?

Even if your employer does not have a retirement plan, or if you are self-employed, there are other ways to save for retirement. An Individual Retirement Account (IRA) is one way. An IRA is an account that you set up with a financial institution, like a bank. Traditional and Roth IRAs are two common types of IRA accounts. *See the listings under “Other Retirement Plans...” in Resources at the end of this section.*

If you are self-employed, two additional plans are available to you: Simplified Employee Pension Plan (SEP), and Keogh Plans. Talk to a financial advisor for more information on both of these plans.

How Much Can I Contribute to My Plan?

You can contribute as much money as you want to your retirement plan, but there is a limit on how much you can contribute without paying tax on the contribution.

These limits are generally relaxed for plan participants who are age 50 or older. This allows participants to make ‘catch-up contributions’ to their retirement plans to increase their savings just before retirement. *For more information on catch-up contributions and the tax-free limits, see the listing for the Internal Revenue Service (IRS) under “Retirement Investments Information” in Resources at the end of this section.*

What Information Can I Get About My Plan?

The plan administrator must give you a copy of the Summary Plan Description for free. The summary gives you information about your retirement benefits, like when you can start the plan, how you calculate benefits, when the money can be taken out, how you will be paid, and how you can file a claim. The plan administrator must tell you about any changes to the plan free of charge.

Once you start a retirement plan, you should get a free summary of the plan’s annual report every year. Also, if you ask for it, the plan administrator must give you a free statement once a year explaining the earliest date you can take out money. If you lose any of these documents or you want more information, ask the plan administrator for it in writing. You have the right to a response within 30 days.

Will the Money I Get from My IRA or Employer’s Plan Be Taxed?

Yes, but when and how much it will be taxed depends on several factors, such as the type of plan and how you contribute to it. For example, with a traditional IRA or 401(k), you pay taxes on the money when you take it out. With a Roth IRA or Roth 401(k), you pay taxes on the money when you put it in, but no taxes on the interest or investment gains.

Certain tax deductions or credits may be available for the money you contribute to an IRA. If you file a joint income tax return with your spouse, you may be able to get these tax benefits for your spouse too, even if he or she doesn’t work.

If you must pay tax on the income you get from an IRA or your employer’s plan, or if an exemption applies to the income, your plan administrator will send you an IRS form at tax time. *For help filing your federal incomes taxes with retirement income, see the listings under “Legal Help” in Resources at the end of this section. Also, see the “Federal Taxes” section of this chapter.*

It is worth thinking about taxes as you plan for retirement. To learn more about how taxes work with retirement plans, talk to your financial advisor or plan administrator. *Also see the listings under “Preparing for Retirement” in Resources at the end of this section.* MyRetirementPaycheck.org in particular has a good, basic overview of the different types of retirement accounts, including tax information.

How Do I Make Changes to My Retirement Plan?

To make changes to your retirement plan, such as changing a beneficiary, contact the plan administrator. You should also make sure that your plan documents are up to date and correct when you change your Will or if family circumstances change.

Can Creditors Get Any of My Retirement Plan Funds?

In general, your retirement plan is safe from claims by creditors.

Do Spouses (and Ex-Spouses) Have Rights to Each Other's Retirement Plan Funds?

Spouses may have rights to some of each other's pension benefits. It depends on the plan and whether you or your spouse dies before or after payments are scheduled to begin. Check the plan's summary description.

If you have or your ex-spouse has a retirement plan from work that was started or used during your marriage or domestic partnership, those funds may be divided with the rest of the property in the divorce. *See the "Divorce" section of the Family Relationships chapter in this Handbook for more information.*

Different rules may also apply if you or your spouse or ex-spouse left employment before January 1, 1985. For more information on the rules before 1985, contact the U.S. Department of Labor at 1-866-444-3272 (toll-free).

Resources

ERISA Retirement Plan Information

- Internal Revenue Service (IRS): Review the federal tax laws and tax information regarding individual retirement plans.
By phone: 1-877-829-5500 (toll-free) (questions beyond the scope of telephone representatives will be written up as a referral to be answered by an Employee Plans Specialist within 15 days)
By mail: Internal Revenue Service, TE/GE Division, Correspondence Unit, P.O. Box 2508, Cincinnati, OH 45201
By email: RetirementPlanQuestions@irs.gov
Online: www.irs.gov/Retirement-Plans
- The Pension Benefit Guaranty Corporation (PBGC): Information on defined benefit plans and guarantees for payment when your employer has insufficient money.
By phone: 1-800-400-PBGC (7242) (toll-free)
By mail: PBGC, 1200 K St N.W., Washington, D.C. 20005-4026
Online: www.pbgc.gov

Federal Laws

- U.S. Department of Labor: Relevant provisions of ERISA, the Internal Revenue Code, the Code of Federal Regulations, Executive Orders, and Technical Releases.
Online: www.dol.gov/ebsa/regs/main.html

Legal Help

- EX-POSE (Ex-Partners of Servicemen/women for Equality): Information about military pension plans, benefits for spouses in military marriages, military divorces, and referrals to lawyers for members.
By phone: 703-941-5844
Online: www.ex-pose.org

- Federal Tax Help: United Way of King County and AARP may be able to help you report your retirement income on your federal taxes for free.
Online: www.uwkc.org/need-help/tax-help/ or www.aarp.org/applications/VMISLocator/searchTaxAideLocations.action
- U.S. Department of Labor Employee Benefits Security Administration, Seattle Office of Participant Assistance: Responds to inquiries from plan participants about their legal rights and obtaining benefits that may have been denied.
By phone: 1-866-444-3272 (toll-free) or 206-757-6781 (Seattle area)
Online: www.dol.gov/ebsa/contactEBSA/consumerassistance.html
- Washington State Association for Justice: For referrals to ERISA lawyers.
By phone: 206-464-1011
By mail: 1809 7th Ave., Suite 1500, Seattle, WA 98101-1328
Online: www.washingtonjustice.org; click on "For the Public," then "Find an Attorney" and search the in the ERISA field of practice

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *Planning with Purpose: Legal Basics for LGBT Elders* (see Part II), by National Center for Lesbian Rights
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf
- Gay Retirement Guide: Offers an online directory and resource list that covers everything from planning for retirement to best places to retire.
Online: www.gayretirementguide.com

Other Retirement Plans: Governments, Tax-exempt Organizations, Individual Retirement Accounts (IRAs), etc.

- Internal Revenue Service (IRS): Information about government retirement plans, tax-exempt organization retirement plans and IRAs.
By phone: 1-877-829-5500 (toll-free) (questions beyond the scope of telephone representatives will be written up as a referral to be answered by an Employee Plans Specialist within 15 days)
By mail: Internal Revenue Service, TE/GE Division, Correspondence Unit, P.O. Box 2508, Cincinnati, OH 45201
By email: RetirementPlanQuestions@irs.gov
Online: www.irs.gov/Retirement-Plans; click "Types of Retirement Plans" under "Retirement Planning," then click either "Tax Exempt and Government Entities" or "IRAs" at left
- Social Security Administration: Information about retirement planning for government employees.
By phone: 1-800-772-1213 (toll-free); TTY: 1-800-325-0778 (toll-free) (Monday through Friday, 7 AM to 7 PM for representative, 24/7 for automated system)
In person: For your local office, look in the phone book
Online: www.ssa.gov/planners/retire/fedgovees.html

- Thrift Savings Plan, Federal Retirement Thrift Investment Board: Retirement savings and investment plan for Federal employees and members of the uniformed services.
By phone: 1-TSP-YOU-FRST (1-877-968-3778) (toll-free); TTY: 1-877-847-4385 (toll-free)
Online: www.tsp.gov

Preparing for Retirement

- Certified Financial Planner: Information about financial planning and referrals to financial advisors.
By phone: 1-800-487-1497 (toll-free)
By mail: 1425 K St., N.W., Suite 500, Washington D.C. 20005
Online: www.letsmakeaplan.org
- U.S. Department of Labor Employee Benefits Security Administration: Detailed information on retirement savings and investments.
By phone: 1-866-444-EBSA (3272) (toll-free)
By mail: U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210
Online: www.dol.gov/ebsa/consumer_info_pension.html; information on retirement plans and pensions
Online: www.dol.gov/ebsa/publications/; these publications and more:
 - *A Look at 401(k) Plan Fees*
 - *Savings Fitness: A Guide to Your Money and Your Financial Future*
 - *Taking the Mystery Out of Retirement Planning (for those near or in retirement)*
 - *Top 10 Ways to Prepare for Retirement*
 - *What You Should Know About Your Retirement Plan*
- MyRetirementPaycheck.org: Information and tools on planning for retirement, financial security during retirement, debt, fraud and more.
Online: www.myretirementpaycheck.org
- Social Security Administration: Check your personal earnings and benefit estimate online or request a statement be mailed to you.
By mail: Send Form SSA-7004 to Social Security Administration, Office of Public Inquiries, Windsor Park Building, 6401 Security Blvd., Baltimore, MD 21235
By phone: 1-800-772-1213 (toll-free) (7 AM – 7 PM); TTY: 1-800-325-0778 (toll-free)
Online: www.ssa.gov/myaccount/; sign in or create an account to view benefit information online
 - *Request for Social Security Statement (SSA-7004)*
www.ssa.gov/hlp/global/hlp-statement-7004-revi.htm
 - *Retirement Planner: Benefits for You As A Spouse*
www.ssa.gov/planners/retire/applying6.html#&ao=o

Retirement Investment Information

- Federal Citizen Information Center: Information on money management and retirement planning.
By mail: U.S. General Services Administration, 1800 F St. N.W., Room G142, Washington, D.C. 20405
By phone: 1-888-878-3256 (toll-free)
Online: <http://publications.usa.gov/USAPubs.php>; click on “Money” at left, then “Investing & Saving” under “Money Topics”

- Federal Trade Commission (FTC): Information on how to avoid investment and retirement fraud and schemes.
By phone: 202-326-2222; 1-877-FTC-HELP (382-4357) (toll-free); TTY: 1-866-653-4261 (toll-free)
By mail: 600 Pennsylvania Ave. N.W., Washington, D.C. 20580
Online: www.ftc.gov
- Internal Revenue Service (IRS): Information on catch-up contributions and limits.
By phone: 1-877-829-5500 (toll-free) (questions beyond the scope of telephone representatives will be written up as a referral to be answered by an Employee Plans Specialist within 15 days)
By mail: Internal Revenue Service, TE/GE Division, Correspondence Unit, P.O. Box 2508, Cincinnati, OH 45201
By email: RetirementPlanQuestions@irs.gov
Online: www.irs.gov/Retirement-Plans; click “Contribution Limits” under “Contributions & Withdrawals”
- Securities and Exchange Commission (SEC): Investor information and answers to questions regarding your retirement plan.
By phone: 1-800-732-0330 (toll-free)
By mail: SEC Headquarters, 100 F St., N.E., Washington, D.C. 20549
Online at: www.sec.gov
- U.S. Department of Labor: Information on retirement plans, benefits and savings.
Online: www.dol.gov/dol/topic/retirement/typesofplans.htm

Women and Retirement Savings

- U.S. Department of Labor Employee Benefits Security Administration: Information on retirement savings with special considerations for women (also available in Spanish).
Online: www.dol.gov/ebsa/publications/women.html
- Women’s Institute for a Secure Retirement (WISER): Information, publications, resource lists, and more.
By phone: 202-393-5452
By mail: 1140 19th St. N.W., Suite 550, Washington, D.C. 20036
Online: www.wiserwomen.org

Reverse Mortgages

What Is a Reverse Mortgage?

A reverse mortgage is a type of home loan that gives you access to a portion of your home equity, either in a lump sum, a line of credit (that grows over time) or a guaranteed monthly payment (that can last as long as you live in the home). You are not obligated to make monthly payments on the loan, other than property taxes, homeowners insurance and Homeowners Dues (if you live in a condo). As long as you abide by the terms of the contract, you can live in the home without fear of foreclosure until you either pass away or permanently move out of the property. The most common reverse mortgage is an FHA HECM (Home Equity Conversion Mortgage).

Who Is Eligible for a Reverse Mortgage?

You are eligible to be on the loan if you and all other owners of the home are at least 62 years old and at least one owner lives in the home for most of the year. As of August 4, 2014, with an FHA HECM, there are certain conditions in which a “Non-Borrowing Spouse” (under 62) can live in the home even after the eligible borrower passes away. The Non-Borrowing Spouse cannot be on the loan or the title, but as long as they live in the home and meet certain conditions, you don’t have to pay off the loan until the last borrower passes away or permanently moves out. *See the Northwest Justice Project publication “Non-Borrowing Spouses and Reverse Mortgages” listed under “Reverse Mortgages” in Resources at the end of this section.*

Which Homes Are Eligible for a Reverse Mortgage?

Your home is eligible if it is a single-family residence, a condo in a HUD-Approved project, a 2-4 unit property (as long as one unit is occupied by the borrower) or a manufactured home that meets FHA guidelines. The property must be the “primary residence” of at least one of the borrowers.

How Does a Reverse Mortgage Work?

Here are important things to know about how a reverse mortgage works:

- You will remain on the title to your home and either you or your heirs will retain the remaining equity when the loan is paid off. The equity is the difference between what you owe and for how much the home is sold.
- The amount you can borrow depends on:
 - The age of the youngest borrower,
 - The current market value of your home, and
 - Current interest rates (both adjustable and fixed rates are available).
- The more valuable your home is and the older you are, the more you can borrow.
- The reverse mortgage will pay off any existing lien on the property. If you currently have a traditional (forward) mortgage, that loan will be paid off so you will no longer have to make monthly payments on that loan.
- You can receive funds from the reverse mortgage in several ways:
 - A lump sum;
 - A Line of Credit that grows over time and allows you to access your equity on an “as-needed” basis;
 - Equal monthly payments for as long as you live in your home;
 - Equal monthly payments for a specific period of time (for example, 10 years); or
 - A combination of these four ways.

- You can use reverse mortgage funds for any purpose. However, you are not encouraged to use your home equity to purchase financial products (stocks, bonds, mutual funds, annuities, etc.).
- You must continue to pay your real estate property taxes, utilities, and hazard insurance. This is especially important to note if you now have a forward mortgage where some of these charges are paid for you by the lender.
- You must maintain the home in good condition and keep it from falling into disrepair. If it becomes “uninsurable,” the lender can require you to repay the total loan.
- When the loan is due, it must be paid off or the house must be sold within 12 months.
- There is no “prepayment penalty” so you can pay down the balance or pay off the loan at any time.

How Is a Reverse Mortgage Different from a Traditional (Forward) Mortgage?

When you borrow with a forward mortgage, you typically begin with a large debt that decreases as you make monthly principal and interest payments. Your equity increases as you make monthly payments as long as your home value also increases or at least remains the same.

When you borrow with a reverse mortgage, your principal balance increases as you receive loan proceeds and the interest is added to the balance (because no monthly payments are required). Your equity decreases unless your home’s market value increases faster than the rate of interest on the principal balance of your loan.

What Is an FHA-Insured Reverse Mortgage?

The most popular reverse mortgages are called Home Equity Conversion Mortgages (HECM’s), and they are insured by the Federal Housing Administration (FHA). These loans are made by many different lenders. FHA ensures that you will always have access to your loan money, even if your bank goes out of business. It also ensures that if your home is sold when the loan comes due, and the sale price is less than the outstanding loan balance, FHA will cover the difference.

HECM loans generally give you the largest loan amount at the lowest cost of any reverse mortgage. In 2015, the maximum amount available for HECM loans was \$625,500. With an HECM line of credit, the amount of credit available to you can increase.

FHA requires that you talk with a certified independent housing counselor before your loan closes. The counselor will make sure you understand how your loan works, its pros and cons, and other options.

What Other Types of Reverse Mortgages Are Available?

Deferred Payment Loans: These are one-time advances from the state or local government for specific home projects. The projects can be replacements or basic repairs, or improvements for things like accessibility or energy efficiency. These programs are usually limited to homes with limited value where the homeowners are either disabled, over age 65, or have moderate to low incomes.

This loan is a great bargain; costs are very low. You don’t have to repay it while you live in your home. Some programs will forgive part or all of the loan so long as you live there for a set amount of time.

Property Tax Deferral Loans: These are annual loan advances from the state or local government to pay property taxes. You don’t have to repay them as long as you live in your home. They are usually limited to homeowners over age 65 with moderate to low incomes. Generally, you cannot combine property tax deferral loans with other loans secured by your home.

Proprietary Reverse Mortgages: A few banks and mortgage companies offer loans that can be used for any purpose. These loans may offer some features you won't find with HECM loans. For instance, they may provide higher loan amounts and allow you to leave some of your home's equity to your heirs. But they are generally much more expensive than other reverse mortgages.

What Are the Advantages of a Reverse Mortgage?

There are many advantages to a reverse mortgage, particularly a HECM. Advantages include:

- You can get money to cover living expenses, make repairs on your home, pay medical expenses or meet any other special needs you might have without having to sell your home.
- Your loan qualification is currently based on the condition and the market value of your home, not on your ability to make monthly payments.
- You can change the dollar amount of regular monthly payments you receive at any time.
- Changes in the market value of your home have no effect on the amount of equity available to you.
- You pay no income taxes on the funds you receive from the loan (for details, talk to a tax advisor).
- When your home is sold, you or your heirs will keep any money left over after paying off the loan.
- If your home sells for less than the mortgage balance, you or your heirs will not be responsible for the difference.
- There are no large out-of-pocket expenses. The closing costs are usually paid for from funds you receive from the loan.
- It is possible to pay down or pay off most reverse mortgages at any time, without penalty.
- You have three business days after you close a reverse mortgage to change your mind; you must cancel in writing, using a form from your lender, and deliver or mail it by midnight of the third day.

What Are the Disadvantages of a Reverse Mortgage?

Disadvantages can be significant. Be sure you fully understand them. For instance:

- The closing costs are generally much higher than for a traditional home loan. They include mortgage insurance premiums for HECM loans, a lender's origination fee, closing costs, servicing fees, etc.
- The closing costs can be paid out of the loan proceeds but that means you will pay them later, with interest; this means you'll keep less money when you sell your home and have less to pass on to your heirs.
- If you are out of your home for 12 months in a row, your loan will become due, no exceptions; if you are out of your home because of illness, it may be physically hard for you to sell the home to pay the loan.
- If you plan to move out of your home in the next few years, it may not be wise to do a reverse mortgage because of the costs. The loan is designed for seniors who desire to "age in place."
- You are not encouraged to invest the funds you receive from a reverse mortgage. If you do invest in other financial products, you are risking the loss of some or all of your money.
- If you buy an annuity with reverse mortgage money, you may be at risk of loss and the annuity payments may be taxable income.
- Your lender may be able to demand payment on the loan and possibly foreclose on your home if:
 - You don't pay your real estate taxes, utilities, or hazard insurance, or you don't keep your home in reasonably good repair.
 - You declare bankruptcy.
 - You donate or abandon your home.
 - You commit fraud or misrepresentation.
 - Your home is condemned or becomes the subject of eminent domain proceedings.

- You move out and turn your home into a rental.
- You add a new owner to your home's title.
- The zoning for your home is changed.

A reverse mortgage is not for everyone. It can be expensive and limiting, and the contract is complicated. If you are considering a reverse mortgage, also be very careful not to fall victim to a reverse mortgage scam. *See the listings under “Reverse Mortgage Scams” in Resources at the end of this section and, for more information about scams, see the “Consumer Scams and Fraud” section of the Consumer Guide chapter in this Handbook.*

Why Is Mortgage Insurance Required?

Mortgage insurance is required on the FHA HECM loan because it is a “Non-Recourse Loan.” This insures that you will never owe more on the loan than what the house is worth when it's sold. The mortgage insurance premium is determined by how much of your equity is accessed in the first year of the loan. A key factor in deciding whether or not to take a reverse mortgage is determining how much equity you can access. The more valuable the house, the lower the interest rate, and the older you are, the more you can get from a reverse mortgage. The most recent guidelines state that no more than 60% of the gross amount of the loan can be borrowed in the first year, unless it is used to pay off a mortgage or make required repairs. In that case, the mortgage insurance premium due at closing rises from 0.5% to 2.5% of the appraised value.

What Effect Will a Reverse Mortgage Have on Public Benefits?

A reverse mortgage will not affect benefits like Social Security or Medicare – benefits that are not based on your financial resources.

If you receive benefits from programs like Medicaid, COPES, or SSI – programs that do consider your income – you must plan carefully so that unspent money from your reverse mortgage doesn't count as income. *See the Health Care chapter and the Public Benefits chapter in this Handbook for more information about those programs.*

What Alternatives Are There If You Need Access to Your Home Equity?

Here are some other options:

- A traditional HELOC (Home Equity Line of Credit) will also give you access to some of the equity in your home. You must at least make interest-only payments on the amount borrowed, but the closing costs will be much less than a reverse mortgage. However, the amount of equity available to you will always be associated with the current market value of your home. If your property value declines, the lender can reduce the amount of equity available to you and can even “freeze” your loan so you no longer have access to your equity. Also, the minimum payments will go up in future years because, at some point there will be a balloon payment (a large final payment) or the lender will require you to start paying back the principal balance of the loan in your monthly payment.
- A Conventional “cash out” refinance is a traditional home loan with the associated closing costs. You must be able to qualify based on your credit score and income and you must make principal and interest payments as long as you have the loan and face foreclosure if you fail to make them.
- Sell your home and buy a less expensive home, rent, or move to assisted living or other housing. Selling your home can cost between 8% -10% of the sales price due to realtor commissions, excise tax, escrow and title fees, etc., as well as moving costs.

See the “Homeowners” section in the Housing chapter of this Handbook for more information about these and other options.

Resources

Government Resources

- U.S. Department of Housing and Urban Development (HUD)
By phone: 1 (800) 767-7468 (toll-free); TTY: 1-877-833-2483 (toll-free) (Monday through Friday, 8 AM to 8 PM EST)
Online: www.hud.gov;
 - Frequently asked questions about HUD's Reverse Mortgages:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hecm/rmtopten
 - Home Equity Conversion Mortgages for Seniors:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hecm/hecmhome
 - FHA-Approved Reverse Mortgage Lenders:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hecm/hecm lenders
 - FHA Reverse Mortgages (HECMs) for Seniors:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hecm/hecmabou
 - Find a HECM Housing Counselor:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hecm/hecm list
- U.S. Federal Trade Commission (FTC): Consumer information about reverse mortgages.
Online: www.consumer.ftc.gov/articles/0192-reverse-mortgages

Property Tax Exemptions and Deferrals for Seniors

- Contact your county assessor's office for information on property tax exemptions and deferrals. Assessors in populous counties are listed below:
 - King County Department of the Assessor:
By phone: Senior & Disability Exemptions: 206-296-3920; Senior & Disability Deferrals: 206-296-3920; TTY: 7-1-1
Online: www.kingcounty.gov/depts/assessor.aspx
 - Pierce County Department of Assessor-Treasurer:
By phone: 253-798-6111
Online: www.co.pierce.wa.us/atr
 - Snohomish County
By phone: 425-388-3433
Online: www.snohomishcountywa.gov/328/Property-Tax-Exemptions
 - Spokane County Assessor's Office
By phone: 509-477-3698
Online: www.spokanecounty.org/Assessor/content.aspx?c=1379
- *Property Tax Deferral for Senior Citizens and Disabled Persons*, by Washington State Department of Revenue
By phone: 360-534-1413
Online: http://dor.wa.gov/docs/pubs/prop_tax/seniordefs.pdf

Reverse Mortgages

- *Borrowing Against Your Home*, by AARP
By phone: 1-888-OUR-AARP (1-888-687-2277) (toll-free); in Spanish: 1-877-342-2277 (toll-free);
By mail: AARP, 601 E St. N.W., Washington, D.C. 20049
TTY: 1-877-434-7598 (toll-free)
By email: member@aarp.org
Online: http://assets.aarp.org/www.aarp.org_/articles/money/financial_pdfs/hmm_hires_nocrops.pdf
- *Non-Borrowing Spouses and Reverse Mortgages*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Consumer & Debt,” then “Foreclosure”
- Senior Money Project: Provides information for consumers about financial issues, including reverse mortgages. Produced by CENTS (Consumer Education and Training Services).
Online: For a list of resources in print: <http://seniormoneyproject.org/consumerboxes/equityreverse-mortgages/>
- *Some Tips for Consumers Considering a Reverse Mortgage*, by the National Consumer Law Center:
Provides information and issues to consider about reverse mortgages.
By phone: 617-542-8010
By email: consumerlaw@nclc.org
Online: www.nclc.org/images/pdf/older_consumers/consumer_facts/cf_tips_consumers_considering_reverse_mtg.pdf

Reverse Mortgage Scams

- *Reverse Mortgage Scams*, by Nolo.com
Online: www.nolo.com/legal-encyclopedia/reverse-mortgage-scams.html
- U.S. Department of Housing and Urban Development (HUD): Fraud prevention information, including reverse mortgage schemes.
Online: www.hudog.gov/fraud-prevention/consumer-advisories/reverse-mortgage-schemes-integrity-bulletin

Federal Taxes

Federal, State, and Local Taxes

Washington State has no state income tax, but you do have to file a federal income tax return, and pay federal income tax on your taxable income if you owe any tax. For example your retirement pensions, IRA or annuity income, taxable interest and dividends may all be taxable if your taxable income is above a certain limit.

You may have to pay other taxes, too, such as state and county property taxes, state and local sales taxes when you buy goods, and state business taxes if you own your own business. In some cases you might owe federal and state estate or gift taxes. There is also a federal health insurance tax penalty if you did not have health insurance during the year (some exemptions may apply). Tax laws change each year so be sure to check for the most recent information when filing your taxes.

This section is a basic overview of federal taxes and how it might affect you. *For more information, see Resources at the end of this section, including IRS Publication 554, “Tax Guide for Seniors” listed under “Internal Revenue Service.” For help preparing and filing your tax return, see the listings under “Tax Counseling and Help...” in Resources at the end of this section.*

Federal Income Tax Overview

Who Must File a Federal Tax Return?

Generally, you must file a federal income tax return with the Internal Revenue Service (IRS) if your taxable income is higher than a certain amount. This taxable income limit depends on your age (if you are age 65 or older), the type of income you receive, and also whether you are single, married, a recent widow(er), etc.

If you are self-employed, you may have to pay taxes each quarter and file a special form with your tax return (see “Information for people who are self-employed” under “Internal Revenue Service” in Resources at the end of this section). You also might have to file an income tax return for other reasons, such as special taxes owed, or to qualify for government programs like Medicaid. You must also file an income tax return if you get “Premium Tax Credits” for health insurance. See “What Are Premium Tax Credits?” later in this section for more information about this tax credit.

Even if you do not have to file federal taxes, you may still want to file your federal tax return. You must file a federal tax return to get a tax refund. You may have a refund if you or your employer paid more income tax than you owed or if you qualify for a credit that lowers your tax bill.

Resources at the end of this section include links to an IRS chart that can help you figure out whether or not you have to file federal taxes this year.

When Do I File Taxes?

If you must file an income tax return, the deadline for your return each year is in mid-April, usually the 15th. In some cases you can file for a 6-month extension to file your tax return forms. This extension is for the forms only. If you owe taxes you must pay the full amount by the April deadline or you will owe interest and penalties on the amount you owe. If you don't file your return or request an extension by the April deadline, you will owe other penalties. Check the tax rules carefully about the filing deadlines and penalties.

Basic Forms

There are three basic individual tax return forms, the 1040EZ, 1040A, and 1040.

- Form 1040EZ is the simplest. You can use it if you are under 65, single, or married filing jointly, your gross income for the year was under \$100,000, and you meet certain other requirements.
- Form 1040A is the next simplest. You can use it if your gross income was under \$100,000, and if you meet the other requirements.
- Form 1040 is the most complicated. You must use this form if your gross income is more than \$100,000, or if you itemize deductions, or if you do not otherwise qualify for a simpler form.

There are also three other IRS forms you should know about.

- Form W-4 can be filled in and submitted to your employer to begin or change the amount of taxes your employer withholds from your paycheck.
- Form W-2 is sent to you and the federal government by your employers. The form must be filed by February 1 of each year, and it shows the total income you were paid and the total taxes you paid during the year.
- Form 1099 is sent to you by any party that pays you certain types of income, like retirement income or dividends. The form must be sent by February 1 of each year and it shows the amount of income you received from the party sending the form.

See Resources at the end of this section for information on where to get forms.

How Do I Figure Out My Filing Status for My Federal Income Taxes?

There are five filing statuses: single; head of household; married filing jointly; married filing separately; and qualifying widow or widower with dependent child. You decide which one applies to you based on your status on the last day of the year for which your taxes are due. Review the rules carefully. If you're not sure, check with a qualified tax advisor.

Generally, if you are single, your filing status will be "single." If you are single and have a dependent child living at home, or a dependent relative, you may be able to file as "head of household." The "head of household" status gives you a bigger standard deduction than a single person. Standard deductions are discussed later in this section.

If your spouse dies during the tax year, you can file jointly for that year. If you meet certain requirements, you can file as a "qualifying widow(er) with dependent child" for the next 2 tax years. This status means you will receive a bigger standard deduction than a person filing as "head of household."

If you are married at the end of a tax year, you and your spouse can decide whether to file jointly or separately. Since Washington is a community property state, there is usually no tax advantage for filing separate tax returns and you will usually pay more taxes if you file "married filing separately." However, there may be other reasons to file separately, for example, if you are separated from your spouse but not divorced.

What If I Have a Medical Savings Account?

If you have a Medical Savings Account (a type of Medicare Advantage Plan), payments from that account can't be taken as medical expense deductions, but the money paid into the account generally does not count as income. If you take money from the account for something other than a qualified medical expense, it counts as income and is subject to a 50% penalty. *See the Health Care chapter of this Handbook for more information about Medical Savings Accounts.*

What Is Gross Income and Taxable Income?

Your gross (total) income can come from many sources, including IRAs, pensions and annuities; interest; rents; profits from selling property or investments; money you earn from a job or self-employment; etc. Some types of disability benefits and occasionally Social Security benefits can also count toward your gross income.

Your taxable income is your gross income minus exemptions and deductions. Taxable income can also be lowered by certain tax credits. Some credits can even result in a refund, like the Earned Income Tax Credit.

How Does an IRA or Pension Affect My Taxes?

There is a limit to how much money you can take from your IRA, pension or annuity before you have to start paying taxes on it. Your limit depends on your filing status. When you started saving for retirement can also affect the taxes on your retirement income. *See the "Retirement Plans and Pensions" section in this chapter for more information.*

If you take money from your IRA before you reach age 59-1/2, you may pay penalties at tax time. (There are some key exceptions. *See "Exceptions to Tax on Early Distributions" under "Internal Revenue Service" in Resources at the end of this section.*) You don't have to take money from this account until you are 70-1/2. *For more information, see the "Retirement Plans and Pensions" section of this chapter.*

What Are Personal Exemptions?

The federal government generally allows each taxpayer at least one "exemption" (unless someone else claims that taxpayer as a dependent). Each exemption lowers your taxable income. If you are married filing jointly, you and your spouse get two exemptions together, one each. If you are caring for children or relatives who qualify as "dependents", you may be able to claim more exemptions.

You may have a dependent child if:

1. The child is your son, daughter, stepchild, foster child, brother, sister, half brother, half sister, stepbrother, stepsister, or a descendant of any of them;
2. The child is under age 19 at the end of the year, a student under age 24 at the end of the year, or any age if they are permanently and totally disabled;
3. You provided over half of the child's support for the year; and
4. The child is not filing a joint tax return (is not married).

You may have a dependent relative if:

1. The relative is not your dependent child or the dependent child of another taxpayer;
2. The person lived with you all year (or meets an exemption to this rule);
3. The person's gross income is less than a certain amount unless they are disabled (for 2014, this amount was \$3,900); and
4. You provided half of your relative's support during the year.

What Are Deductions?

The federal government allows taxpayers certain deductions to reduce their taxable income. The amount of these deductions change each year. There are two ways to figure out the amount of your deduction, and you can choose which one you use.

First, you can choose the standard deduction. This deduction may be adjusted based on several factors, including your age. If you are age 65 or older, you can take a larger standard deduction. If your spouse is age 65 or older and you file a joint return, you can take a larger joint standard deduction. (This larger deduction is also available for people of any age who are blind and for spouses filing jointly where at least one spouse is blind.) For example, in 2014, the basic standard deduction for a single person age 65 or over was \$7,700. The standard deduction for a couple 65 or older and “married filing jointly” was \$13,600. And, if you have a financial loss caused by a federally-declared disaster, this loss can increase your standard deduction.

Second, you can choose to itemize your deductions instead of taking the standard deduction. If you pay state or local real estate taxes, you may be able to take a bigger standard deduction. Itemizing your deductions may lower the amount of taxes you owe, but itemizing deductions involves a lot of rules and can get complicated quickly. Itemized deductions are allowed for expenses like state income and excise taxes, mortgage interest, charitable contributions, and casualty and theft losses.

If you itemize your deductions and have medical expenses that are over 10% of your adjusted gross income, some of those expenses can be added to your itemized deductions. Qualifying expenses include doctor and hospital bills, certain health insurance expenses, prescription medicines, hearing devices, glasses, long-term care, and more. If you are currently over 65, any medical expenses over 7.5% of your adjusted gross income can be deducted until 2017, when the 10% limit becomes applicable to all taxpayers.

What Is the Earned Income Tax Credit?

The Earned Income Tax Credit is for low-income people who qualify. This credit may lower your tax bill and may even give you a refund. The rules for this credit are complicated, but you may qualify if:

1. You have earned income from working (some disability retirement benefits may qualify as earned income); and
2. You are a U.S. citizen (or an immigrant with legal status); and
3. You:
 - a. Have a qualified child or grandchild living with you; or
 - b. Are under the age of 65.

Other special rules may apply. For more information on tax credits, see Resources at the end of this section.

What Is the Tax Credit for the Elderly or Disabled?

If you are 65 or older, or if you are retired with a permanent and total disability and you get disability income, you may be able to get a special elderly or disabled income tax credit. This may reduce your tax bill, but it won't give you a refund. This credit is for people with very low income. *See the IRS Publication 524 “Credit for the Elderly or Disabled” listed in Resources at the end of this section to see if you qualify.*

What About Taxes on the Sale of My Home?

If you sell or exchange your home for more than you paid for it, you can subtract up to \$250,000 of that income from your taxable income. If you are married filing jointly, you can subtract up to \$500,000. You must have owned the home and lived in it for at least two of the five years before the sale. In general, you can subtract income from a home sale or exchange only once every two years.

What If I Gave Money Away As a Gift?

In 2015, you can give up to \$14,000 a year to each person (or trust account) you choose, without paying gift tax. This is a per-person limit, so if you are married, you and your spouse together can gift \$28,000 without paying a gift tax. Talk to a tax advisor before gifting significant cash or assets away. *See the IRS website listed in Resources at the end of this section for more information on gift taxes.*

Preparation and Filing Methods

You can prepare your return on paper and file it by mail, or you can prepare and e-file a paperless form with the IRS electronically. If your income is low, you may be able to use the IRS's Free File. *See Resources at the end of this section for other free filing options.*

How Long Should I Keep Tax Records?

You should keep records relating to your federal income taxes for at least three years from the tax due date, or two years from the date you pay the tax, whichever is *later*.

Taxes and the Affordable Care Act

How Does Health Insurance Affect My Taxes?

The Affordable Care Act (ACA), also known as “Obamacare,” requires most U.S. citizens and immigrants to have health care coverage that includes 10 minimum health care benefits, called Minimum Essential Coverage (MEC) (*see the Health Care chapter for more information about MEC*). Unless you qualify for an exemption, you, your spouse, and all of your dependents must have MEC every month for the entire tax year, or you will have to pay a tax penalty, also known as the “Shared Responsibility Payment.”

How Much Is the Tax Penalty If I Don't Have Insurance?

It depends on your household income. It's important to remember that if you had MEC for any day during the month, you are considered covered for the entire month. If you didn't have MEC the entire month, you will have to pay the penalty for that month. Note this penalty is set to increase significantly with each passing year.

Here's an example of how the tax penalty might affect a family: An adult single father with very low income and his child are living with the father's parents. His parents are both over 65-years-old, have retirement and earned income, and have Medicare Part A. The parents claim the father as a dependent relative and the child as a dependent child. Neither the father nor the child have health care coverage and they do not qualify for an exemption. In this situation, the parents would have to pay a tax penalty. For the 2015 tax year, the tax for the father would be about \$325 (or about \$27 for each month he was without health care coverage). The tax for the child would be about \$162.50 (or about \$81 per month). For the 2016 tax year, the penalty will increase to \$695 for the father (\$58 per month) and \$347.50 for the child (\$29 per month).

What Are “Premium Tax Credits”?

If you are very low income and get your health care coverage through Washington Healthplanfinder (also called “The Exchange”), you may qualify for the Premium Tax Credit. This tax credit helps pay for part or all of your monthly health care premiums. The amount of your tax credit is based on the income and family size information you enter on your Washington Healthplanfinder application.

You have two options for how you receive your Premium Tax Credit:

1. “Get It Now”- Choose an “Advanced Premium Tax Credit” to help lower the cost of your monthly health care coverage payment; or,
2. “Get It Later”- Wait to get your Premium Tax Credit when you file your tax return, which might help to lower your taxes (or give you a refund).

Whether you choose to get the tax credit now or later, you must file a federal tax return to claim this credit. Also, it is very important to notify the Washington Healthplanfinder if your income changes (or the number of people in your household changes) during the year. Your premium will then adjust to reflect the change in your tax credit.

Please remember that if you choose “Get it Now” and your actual income for the year is higher than you estimated (or you have less people in your household than you estimated), you may have to repay some or all of the advanced tax credit you already received when you file your tax return. But, if your income for the year is lower than you estimated (or the number of people in your household increases), you might get a tax credit or even a refund.

See the Health Care chapter of this handbook for information on private health insurance, the ACA, and resources to learn more about the Premium Tax Credit. Also see listings under “Taxes and the Affordable Care Act” in Resources at the end of this section.

What Are the Exemptions to This Requirement?

Finding out if you qualify for an exemption and then claiming that exemption on your tax return can be complicated. It is a good idea to get help from a tax preparer. *See the listings under “Tax Counseling and Help...” in Resources at the end of this section.*

Some exemptions the federal government offers that may affect readers of this Handbook include:

- The Short Coverage Gap – You may qualify for this exemption if you have a gap in health care coverage for the year that lasted less than three months;
- U.S. Citizens Living Abroad and Certain Noncitizens – This exemption is for those who are not qualified to buy health care coverage through the Health Insurance Marketplace, for example undocumented workers with Individual Taxpayer Identification Numbers. (This exemption also applies to residents of U.S. territories and U.S. citizens who live outside of the U.S. for at least 330 days out of a 12 month period);
- Members of Federally-recognized Indian Tribes;
- Income Below the Filing Threshold – You qualify for this exemption if your income or your household’s income is so low you do not have to file a tax return;
- Coverage is Unaffordable – This exemption is very difficult to qualify for. Very generally, the cost of health care coverage must exceed 8% of your household’s modified adjusted gross income (which includes your adjusted gross income plus other untaxable income). There are a lot of rules, but if you qualify you will have an exemption for each month that coverage was unaffordable for you.

If you do not qualify for an exemption from the federal government, you may qualify for an exemption from Washington Healthplanfinder. For example, people who have experienced homelessness or domestic violence may qualify for an exemption from Washington Healthplanfinder. You will be given a document with a personal exemption number to use on your tax return. Talk to a Navigator to help you through this process (*see listing under “Taxes and the Affordable Care Act” in Resources at the end of this section*).

Resources

Help with Tax Problems

- IRS Taxpayer Advocate Service (TAS): An independent group within the IRS that represents your interests and concerns within the IRS, helping to resolve taxpayer problems that have not been resolved through regular IRS channels. Assists with requests to expedite tax refunds due to hardship (such as eviction, foreclosure). All of your information is confidential with TAS.
By phone: 206-220-6037 (Seattle) or 1-877-777-4778 (toll-free)
By mail: 915 2nd Ave., Stop W-405, Seattle, WA 98174
Online: www.irs.gov/advocate
- Low Income Taxpayer Clinics: Provides education for those who speak English as a second language and some free or reduced-fee representation to low-income people with IRS tax controversies; assists taxpayers who have cases (usually limited to \$50,000) pending before the U.S. Tax Court
By phone: 206-685-6805 (Seattle) or 1-866-866-0158 (toll-free); 509-313-5791 (Spokane) or 1-800-793-1722 (toll-free)
Online: www.irs.gov/advocate/low-income-taxpayer-clinics/low-income-taxpayer-clinics

Internal Revenue Service

- “Exceptions to Tax on Early Distributions” chart:
Online: www.irs.gov/Retirement-Plans; click “Tax on early withdrawals” under “Contributions & Withdrawals”
- Information for people who are self-employed:
 - A general guide:
www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Self-Employed-Individuals-Tax-Center
 - 2014 Form 1040-ES:
www.irs.gov/pub/irs-pdf/f1040es.pdf
 - The Electronic Federal Tax Payment System:
www.irs.gov/uac/EFTPS-The-Electronic-Federal-Tax-Payment-System
- IRS chart to help you figure out if you have to file taxes:
Online: www.irs.gov/publications/p554/cho1.html
- IRS publications:
By phone: 1-800-829-3676 (toll-free)
By mail: IRS, 1201 N. Mitsubishi Motorway, Bloomington, IL 61705-6613
Online: <http://apps.irs.gov/app/picklist/list/formsPublications.html>
 - *Credit for the Elderly or the Disabled (Publication 524)*
 - *Facts About the Premium Tax Credit (Publication 5120)*
 - *Premium Tax Credit (PTC) (Publication 974)*
 - *Report changes to the Marketplace as they happen (Publication 5152)*
 - *Tax Guide for Seniors (Publication 554)*
 - *Your Federal Income Tax (For Individuals) (Publication 17)*
 - And many more.

- To e-file your taxes online using free fillable forms:
By phone: 1-800-829-1040 (toll-free)
Online: www.irs.gov/uac/Free-File:-Do-Your-Federal-Taxes-for-Free

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *After DOMA: What It Means*, a series of brochures by National Center for Lesbian Rights:
See “Federal Taxes.”
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
Online: www.nclrights.org/legal-help-resources/resource/after-doma/
- *LGBT Older Adults and Estate Tax and Inheritance* and *LGBT Older adults and Tax-qualified Retirement Plans*, available from the National Resource Center on LGBT Aging
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
Online: www.lgbtagingcenter.org/resources/resources.cfm?t=2
- *Planning with Purpose: Legal Basics for LGBT Elders* (see Part II), National Center for Lesbian Rights
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf

Other Publications

- Washington LawHelp: Offers basic legal education materials and tools to help you with a variety of legal issues, including filing your federal income taxes.
Online: www.washingtonlawhelp.org/issues/consumer-debt/income-taxes

Taxes and the Affordable Care Act

- Navigators: Washington Healthplanfinder offers free professional Navigators to help you find, research, and apply for health insurance. They can also help you apply for a tax penalty exemption.
By phone: 1-855-923-4633 (toll-free), Monday through Friday, 7:30AM to 8PM
Online: www.wahealthplanfinder.org; click on “Find a Navigator” toward the bottom of the page
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org/issues/health/health-care-reform-affordable-care-act
 - *Taxes and the Affordable Care Act – General Information*
 - *Taxes and the Affordable Care Act – Premium Tax Credit*
 - *Tax Issues for Immigrants under the Affordable Care Act*
- See IRS publications listed under “Internal Revenue Service” on the previous page.

Tax Counseling and Help Preparing Your Federal Income Tax Return

- AARP Tax-Aid Site: Volunteers at the site can help you prepare your federal income tax return.
By phone: 1-888-OUR-AARP (1-888-687-2277) (toll-free); in Spanish: 1-877-342-2277 (toll-free);
TTY: 1-877-434-7598 (toll-free)
Online: www.aarp.org/taxaide
- Internal Revenue Service (IRS) Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) Programs: Free help for low-income taxpayers and taxpayers age 60 or older.
By phone: 1-800-906-9887 (toll-free) (to find the nearest site)
Online: www.irs.gov/Individuals/Free-Tax-Return-Preparation-for-You-by-Volunteers
- United Way of King County Free Tax Services: Browse their resources or find locations to get help preparing your federal income tax return.
Online: www.uwkc.org/need-help/tax-help/

Where to Get Tax Forms

- By mail: You can order your tax forms from the IRS National Distribution Center at 1201 N. Mitsubishi Motorway, Bloomington, IL, 61705-6613. You should get your forms 10 days after they receive your order.
- By phone: You can call 1-800-TAX-FORM (800-829-3676) Monday through Friday 7 AM to 10 PM Pacific Time to order current year forms, instructions and publications as well as prior year forms and instructions. You should receive your order within 10 days.
- In Your Community: During the tax filing season many libraries and post offices offer free tax forms to taxpayers. Some libraries also have copies of commonly requested publications. Many large grocery stores, copy centers and office supply stores have forms you can photocopy or print.
- On the Internet: All IRS forms and publications are available for free on the IRS Web site.
Online: www.irs.gov/Forms-&-Pubs
- Taxpayer Assistance Centers: There are many Taxpayer Assistance Centers across the country where the IRS offers face-to-face assistance to taxpayers, and where taxpayers can pick up many IRS forms and publications.
Online: www.irs.gov/uac/Contact-My-Local-Office-in-Washington

Personal Bankruptcy

What Is Bankruptcy?

Bankruptcy is a way to get rid of (or “discharge”) debts and start fresh. It is a complicated process, however, and has serious consequences. What follows is very basic information about the process.

What Effect Will Bankruptcy Have on My Credit?

Filing for bankruptcy can make it hard to get credit cards, loans, and other credit. If you do get credit, expect high interest rates. A bankruptcy can affect your credit report for up to 10 years.

Are There Alternatives to Filing for Bankruptcy?

Yes. There are other options. For example, you could ask your creditors to lower your interest rate or the amount you owe, get help from a credit counseling agency, or do nothing. *See the “Credit and Debt” section of this chapter for more information.*

How Do I File for Bankruptcy?

You should hire a bankruptcy lawyer. *See Resources at the end of this section.* Each type of bankruptcy has different requirements. Before filing for bankruptcy, you must get credit counseling and take a class. You must give information about your debts (the money you owe), your creditors (the people or companies you owe money to), your assets (what you own that is worth money), and other financial and personal information. You must pay a filing fee. There will be a court hearing where your creditors can come and ask questions.

Will Bankruptcy Discharge All of My Debt?

No. Read the descriptions of the different types of bankruptcy to learn more, and talk to a lawyer about your situation.

What Types of Bankruptcy Are There?

There are four chapters under the U.S. Bankruptcy Code that can be used by individuals or married couples who owe money for goods and services.

CHAPTER 7: LIQUIDATION

Chapter 7 is for people in financial trouble who cannot pay their debts. As of 2012, the filing fee was \$306. The purpose of filing a Chapter 7 case is to discharge your debts.

If your debts are mostly consumer debts, you may not be able to file a Chapter 7 bankruptcy. It depends on your financial situation. If your income is greater than the median income for your state and family size, your case may be dismissed by the court.

Your property may be sold to pay your creditors. However, some property may be exempt.

You may still be responsible for certain debts, such as: most taxes; student loans; child support or spousal maintenance; property settlements from a divorce; and most fines and penalties. The court may not discharge a debt if it’s listed incorrectly in the paperwork, or if the creditor can prove that debt came from

theft or fraud. For example, if you charged—on any account—more than \$500 for luxury goods or services within 90 days of filing for bankruptcy, or more than \$700 for cash advances or balance transfers within 70 days of filing, credit card companies may prove fraud.

A bankruptcy discharge does not get rid of any lien on your property. A “lien” is often called a security interest, deed of trust, mortgage, or security deed. The property that has a lien on it is often called “collateral.” For example, if you have a house with a mortgage, the house is the “collateral” and the mortgage is the “lien.” Generally, if a creditor has a lien on your property and you file a Chapter 7 bankruptcy, you can give up the property and try to discharge the rest of your loan, or keep the property and “reaffirm” the debt. If you want to keep the property, you must sign a written reaffirmation agreement with the creditor (unless it’s a home mortgage). The agreement states the debt amount and the terms of repayment. It must be signed by you and the creditor and filed with the court before your bankruptcy discharge. You may cancel the agreement any time before the court discharges the debt, or within 60 days after the agreement is filed with the court, whichever happens later.

CHAPTER 13: REPAYMENT

If you have a steady income and would like to pay off your debt over a period of time, Chapter 13 bankruptcy is an option. As of 2012, the filing fee was \$281. You can only file a Chapter 13 bankruptcy if your debts are less than a certain dollar amount.

You must file with the court a plan to repay all or part of your debt in five years or less using your future income. The court must approve your plan before it can take effect.

After your final payment, your remaining debt is generally discharged, except for: child support or spousal maintenance; most student loans; most criminal fines; certain taxes; certain debts not correctly listed in your bankruptcy paperwork; and certain long-term secured debts.

CHAPTER 11: REORGANIZATION

Chapter 11 is for reorganizing a business, but individuals can use it, too. As of 2012, the filing fee was \$1,046. It is very complicated. Talk to a lawyer.

CHAPTER 12: FAMILY FARMER OR FISHERMAN

Chapter 12 is like Chapter 13, but is limited to those whose income comes primarily from a family-owned farm or commercial fishing operation. As of 2012, the filing fee was \$246.

Resources

Bankruptcy Assistance

- CENTS (or Debtor-Creditor Resource Project), King County Bar Association: Helps consumers avoid bankruptcy and teaches clients about resources and financial skills. For King County residents only. By phone: 206-340-2588
- Chapter 13 Trustee: A voluntary program that helps people reorganize payment of their debts while they are under the supervision of the Federal Bankruptcy Court. By phone: 206-624-5124 (Seattle); 253-572-6600 (Tacoma); 509-747-8481 (Spokane) Online: www.justice.gov/ust/eo/private_trustee/locator/13.htm#wwa

- King County Bar Association Bankruptcy Clinic: Volunteer lawyers provide advice to King County residents on whether to declare bankruptcy and information on how to file.
By phone: 206-267-7070 (ask for an appointment at the Bankruptcy Clinic)
- U.S. Bankruptcy Court, Eastern District: Bankruptcy forms and instructions, local rules, information on fees, and location of courts for the Eastern District.
By phone: 509-458-5300 (Spokane); 509-576-6100 (Yakima)
Online: www.waeb.uscourts.gov/
- U.S. Bankruptcy Court, Western District: Bankruptcy forms, video, local rules, reference manual, information on fees, and location of courts for the Western District.
By phone: 206-370-5200 (Seattle); 253-882-3900 (Tacoma)
Online: www.wawb.uscourts.gov
- *See the Legal Help chapter in this Handbook for a list of lawyer referral services. Ask for a referral to a bankruptcy lawyer.*

Bankruptcy Information

- *Bankruptcy Basics*, by Bankruptcy Judges Division of the Administrative Office of the U.S. Courts: Provides general information about bankruptcy and the filing process.
Online: www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics.aspx
- *Bankruptcy Guide*, by the King County Law Library
Online: www.kcll.org/guides/bankruptcy-guide
- *Bankruptcy Information Sheet* (available in many languages), by the U.S. Trustee Program
By mail: 20 Massachusetts Ave. N.W., Suite 8000, Washington, D.C. 20530
Online: www.justice.gov/ust/eo/ust_org/bky-info/index.htm
- Federal Trade Commission (FTC): Resources and free publications about debt, bankruptcy, and scams.
By phone: 1-877-382-4357 (toll-free)
Online: www.consumer.ftc.gov/topics/dealing-debt
- National Consumer Law Center: Offers resources on bankruptcy and other financial issues.
By phone: 617-542-8010
Publications:
 - *Answers to Common Bankruptcy Questions* www.nclc.org/images/pdf/older_consumers/cib_common_bankruptcy_ques.pdf;
 - *Your Legal Rights During and After Bankruptcy* www.nclc.org/images/pdf/older_consumers/bankruptcy_legal_rights.pdf;
 - *Ten Things to Think about Before Getting a New Credit Card* www.nclc.org/images/pdf/older_consumers/bankruptcy_using_credit_wisely.pdf.

- Nolo.com: Legal information website answering basic Will, trusts and probate questions.
By phone: 1-800-728-3555 (toll-free)
Online: www.nolo.com/legal-encyclopedia/bankruptcy/
 - “Bankruptcy Filing Fees and Costs” (including fee waivers and fee installments)
www.nolo.com/legal-encyclopedia/bankruptcy-filing-fees-costs.html
- Personal Bankruptcy Training Module: Maintained by Consumer Action, this module provides resources to help consumers, teachers and team leaders understand what bankruptcy is, what it means financially, and what the process will look like (multiple languages available).
Online: www.consumer-action.org/modules/module_personal_bankruptcy
- Washington Bankruptcy Law: Frequently asked questions and other resources to help you understand the bankruptcy process in Washington State.
Online: www.washington-bankruptcy.com/faq.html

Court Forms and Washington State Exemptions

- RCW (Revised Code of Washington) Chapter 6.15: Personal Property Exemptions
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
Online: <http://app.leg.wa.gov/rcw/default.aspx?cite=6.15&full=true>
- Washington Courts: Bankruptcy court forms for the Western and Eastern Federal District Courts of Washington State.
Online: www.courts.wa.gov/forms/?fa=forms.contribute&formID=4

Credit Counseling

- *See Resources listed under Credit and Debt Counseling in the “Credit and Debt” section of this chapter.*
- United States Trustee: A list of nonprofit credit counseling agencies and debtor education classes.
By phone: 202-514-4100
Online: www.justice.gov/ust/eo/bapcpa/ccde/; click on “List of Approved Credit Counseling Agencies” or “List of Approved Debtor Education Providers” under “For Consumers”; select “Washington” in the drop-down list and click “Go”

Lesbian/Gay/Bisexual/Transgender/Intersex Individuals

- *After DOMA: What it Means*, a series of brochures by National Center for Lesbian Rights:
See “Bankruptcy”
By phone: 415-392-6257 or 1-800-528-6257 (toll-free)
Online: www.nclrights.org/legal-help-resources/resource/after-doma/



CHAPTER 10

Age and Disability Discrimination

What Is Discrimination?

In general, discrimination is when you are treated differently from other people because you are a member of a “protected class,” and you are harmed by the treatment. Each discrimination law has a different list of protected classes. For example, protected classes may be gender, age, disability, race, or sexual orientation. If a law lists gender as a protected class, then it is against the law to discriminate against someone because she is a woman or to discriminate against someone because he is a man. *For more information about protected classes, see the Legal Voice publication “Employment Discrimination” and the Washington State Human Rights Commission and EEOC websites listed in Resources at the end of this section.*

Is It Against the Law for My Employer to Discriminate Against Me Because of Age?

The federal Age Discrimination in Employment Act (ADEA) protects most people who are 40 years old or older as long as they are doing their jobs in a satisfactory way. The law covers employers with 20 or more employees. The ADEA covers all conditions of employment, including hiring, firing, layoffs, promotions, wages, benefits, pensions, and training. Washington law also prohibits discrimination on the basis of age, and applies to employers with eight or more employees. Some cities also have laws (“ordinances”) against age discrimination. However, employers are allowed to set mandatory retirement ages under certain circumstances.

Is It Against the Law for My Employer to Discriminate Against Me Because of Disability?

Maybe. Federal law, state law, or local ordinances might protect you from discrimination based on your disability.

The federal Americans with Disabilities Act (ADA) applies only to employers with 15 or more employees. The ADA prohibits these employers from discriminating against people with disabilities (or who are seen as having a disability or have a record of a disability) if:

- They can perform the essential job duties with or without accommodation, and
- The disability is a physical or mental condition that greatly limits one or more activities.

An employer that is covered by the ADA must make reasonable accommodations for individuals with disabilities, as long as the accommodations do not cause “undue hardship” to the employer. For example, the accommodation must be within the employer’s financial means.

The Washington Law Against Discrimination (WLAD) also prohibits discrimination against people with disabilities, but applies only to employers with eight or more employees. Some cities also have laws (“ordinances”) against disability discrimination.

What Is a Reasonable Accommodation?

Examples of reasonable accommodations are:

- Physical change to the workplace (for example, to allow wheelchair access).
- Getting rid of job duties that are not essential.
- Providing interpreters or readers.
- Providing a flexible work schedule or part-time work.
- Moving the disabled employee to an empty position if she or he is qualified.

If there is more than one possible accommodation that will work, the employer can choose. Before filing a complaint, an employee must tell the employer about the disability and give the employer a chance to make an accommodation.

Can a Potential Employer Ask About My Age or Disability During an Interview?

No. Employers cannot ask certain questions during an interview or on a job application, including questions about age and disability. *For a complete list of unfair questions, see the Washington Administrative Code (WAC) 162-12-140, listed under “Employment Discrimination” in Resources at the end of this section.*

Can My Landlord Discriminate Against Me Because of My Disability?

No. Both the federal Fair Housing Act and the WLAD make it illegal for a landlord to discriminate against you because of your disability. If you are disabled, the landlord must let you make reasonable changes to your unit at your own expense. The landlord must make reasonable changes to its rules and services for a person with a disability. For example, an apartment must provide disabled parking. Any buildings built after 1991 must have doors and hallways that are wide enough for wheelchairs. *See the “Landlord-Tenant Issues” section of the Housing chapter in this Handbook. Also see listings under “Housing Discrimination” in Resources at the end of this chapter.*

Can a Place That Is Open to the Public Accommodation Discriminate Against Me Because of Age or Disability?

The ADA and the WLAD prohibit places of public accommodation and government buildings from discriminating against people with disabilities. Public accommodations are places that are open to the public, like hotels, restaurants, retail stores, doctors’ offices, parks, and theaters. Public accommodations must remove barriers that would keep individuals with disabilities from using the buildings or services, unless it is too expensive or difficult. These laws do not, however, protect people from discrimination on the basis of age.

Can I Be Denied Credit Because of My Age?

No. Under the Equal Credit Opportunity Act (ECOA), a creditor cannot discriminate against you because of your age. If you are denied credit or your credit is taken away or changed, you can ask for the reason in writing within 60 days.

Can I Be Discriminated Against In Other Ways?

The WLAD protects against discrimination on the basis of:

- Race;
- Creed;
- Color;

- National origin;
- Gender;
- Veteran or military status;
- Sexual orientation; and
- Disability status and the use of a trained guide dog or service animal.

In addition to protecting employment rights and access to public accommodations, the law prohibits discrimination in:

- Real estate transactions;
- Credit transactions;
- Insurance transactions;
- Commerce; and
- Other areas.

Federal law, such as Title VII of the Civil Rights Act, offers some of these protections as well.

What Should I Do If I Believe That I Have Been Discriminated Against?

You may file a complaint with a government agency and/or you may file a lawsuit. It is a good idea to talk to a lawyer first. In some cases you must file a complaint with an agency before you are allowed to file a lawsuit.

Where Should I File a Complaint?

Each discrimination law has different requirements and deadlines and is enforced by a specific government agency. *See Resources at the end of this section for more information.*

What If My Employer Gets Angry When I File a Complaint?

It is illegal for an employer to retaliate against anyone who:

- Files a charge of discrimination,
- Helps in the investigation of the discrimination, or
- Stands up against discrimination.

An employer can't fire, demote, fail to promote, or take other action against an employee because he or she has complained about discrimination or cooperated in an investigation.

What If I Want to File a Lawsuit?

If you want to bring a discrimination lawsuit under federal laws, including the ADEA or the ADA, you must first go to the Equal Employment Opportunity Commission (EEOC) and file a "charge." You may also need to wait to receive a "right to sue" letter. The EEOC will let you know how much time you have to go to court after you file the charge; generally it is 90 days.

If you want to sue under the WLAD, you can generally file a lawsuit within three years of the discrimination. It is a good idea to talk with a lawyer before deciding what to do.

Resources

All Discrimination Complaints

- King County Office of Civil Rights: Enforces anti-discrimination laws within unincorporated King County.
By phone: 206-263-2446; TTY: 7-1-1
In person/by mail: Chinook Building, 401 5th Ave., Suite 215, Seattle, WA 98104
By email: Civil-Rights.OCR@kingcounty.gov
Online: www.kingcounty.gov/exec/CivilRights.aspx
- Seattle Office for Civil Rights: Enforces anti-discrimination laws within the city limits of Seattle.
By phone: 206-684-4500; TTY: 206-684-4503
By fax: 206-684-0332
In person/by mail: Central Building, 810 3rd Ave, Suite 750, Seattle, WA 98104-1627
Online: www.seattle.gov/civilrights
- Spokane Human Rights Commission: Enforces anti-discrimination laws within the City of Spokane.
By phone: 509-625-6966
In person: 808 W. Spokane Falls Blvd., Spokane, WA 99201
Online: <https://my.spokanecity.org/bcc/commissions/spokane-human-rights-commission/>
- Tacoma Human Rights Section: Enforces anti-discrimination laws within the city limits of Tacoma.
By phone: 253-591-5162; TTY: 253-591-5153
In person/by mail: 747 Market St, Room 836, Tacoma, WA 98402
By email: wyi@cityoftacoma.org
Online: www.cityoftacoma.org/cms/one.aspx?objectId=5936

Employment Discrimination

- Equal Employment Opportunities Commission (EEOC): To file an employment discrimination charge.
By phone: 1-800-669-4000 (toll-free); TTY: 1-800-669-6820 (toll-free)
Fax: 206-220-6911
In person/by mail: EEOC, Seattle Field Office, 909 1st Ave., Suite 400, Seattle, WA 98104-1061
Online: www.eeoc.gov/employees/howtofile.cfm
- Legal Voice publications:
Online: www.legalvoice.org; click on “Tools & Resources,” then “Employment & Economic Security”
 - *Employment Discrimination*
 - *Sexual Harassment in the Workplace*
- Washington Administrative Code (WAC) 162-12-140: To see administrative agency code showing list of unfair job-application and job-interview questions (called “inquiries”).
Online: <http://apps.leg.wa.gov/wac/default.aspx?cite=162-12-140>

- Washington State Human Rights Commission: To file an employment discrimination claim with Washington State. District offices are located in Seattle, Spokane, Vancouver and Yakima. Please contact the Olympia headquarters to speak with a representative about your options for filing a claim.
By phone: 360-753-6770 or 1-800 233-3247 (toll-free); TTY: 1-800-300-7525 (toll-free)
By fax: 360-586-2282
In person/by mail: Olympia Headquarters Office, 711 S. Capitol Way, #402, Olympia, WA 98504-2490
Online: www.hum.wa.gov

Government Agency Discrimination

- U.S. Department of Justice: To report discrimination by a public (government) agency.
By phone: 202-514-4609 (toll-free); TTY: 1-800-514-0716 (toll-free)
In person/by mail: Civil Rights Division, Disability Rights Section-NYA, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530
Online: www.usdoj.gov/crt

Housing Discrimination

- Fair Housing Center of Washington: Advocates for renters and home buyers in Western and Central Washington.
By phone: 253-274-9523 or 1-888-766-8800 (toll-free); TTY: 7-1-1
By fax: 253-274-8220
In person/by mail: 1517 S. Fawcett, Suite 250, Tacoma, WA 98402
By email: info@fhcWASHINGTON.org
Online: <http://fhcWASHINGTON.org/advocacy.htm>
- Northwest Fair Housing Alliance: Advocates for renters and home buyers in Eastern and Central Washington.
By phone: 509-325-2665; TTY: 7-1-1
By fax: 1-866-376-6308
In person/by mail: Community Building, 35 W. Main, Suite 250, Spokane, WA 99201
By email: nwfairhouse@nwadv.com
Online: www.nwfairhouse.org/index.php
- U.S. Dept. of Housing and Urban Development (HUD): To file a housing discrimination claim.
By phone: 1-800-669-9777 (toll-free)
By mail: 451 7th St. S.W., Washington, DC 20410
In person: Seattle Regional Office, 909 1st Ave., Seattle, WA 98104
Online: www.hud.gov, under “Topic Areas,” click “Housing Discrimination”
- Washington State Human Rights Commission: To file a housing discrimination claim with Washington State; see contact information above.

Other Resources

- Alliance of People with Disabilities: Legal advice and representation for disabled people in King County on civil rights issues.
By phone: 206-545-7055 or 1-866-545-7055 (toll-free); TTY: 7-1-1
Online: <http://disabilitypride.org>

- Disability Rights Washington (DRW): Legal services for disability discrimination or violation of rights with focus on major cases that will improve service systems. Language interpreters are available via the AT&T Language Line. All collect calls from correctional facilities will be accepted.

By phone: 206-324-1521 or 1-800-562-2702 (toll-free); TTY: 206-957-0728 or 1-800-905-0209 (toll-free)

By fax: 206-957-0729

In person/by mail: 315 5th Ave. S., Suite 850, Seattle, WA 98104

By email: info@dr-wa.org (Do not send requests for legal assistance via email.)

Online: www.disabilityrightswa.org/about-us

- Hearing, Speech & Deafness Center (HSDC): Helps deaf, deaf-blind, and hard-of-hearing people understand their civil rights in areas such as health care, mental health, criminal justice, employment, financial aid, housing, and education.

In person:

- HSDC Puget Sound Office, Seattle

Artz Communication Center, 1625 19th Ave., Seattle, WA 98122

By phone: 206-323-5770 or 1-888-222-5036 (toll-free); TTY: 206-388-1275 or 1-800-761-2821 (toll-free);

Videophone: 206-452-7953

By fax: 206-328-6871

By email: seattle@hsvc.org

- HSDC South Sound Office, Tacoma

621 Tacoma Ave. S, Suite 505, Tacoma, WA 98402

By phone: 253-475-0782, 1-866-421-5560 (toll-free); TTY: 253-474-1748 or 1-866-698-1748 (toll-free);

Videophone: 253-292-2209

By fax: 253-475-1188

By email: tacoma@hsvc.org

- HSDC North Sound Office, Bellingham

Crown Plaza Building, 114 W. Magnolia St., Suite 106, Bellingham, WA 98225

By phone: 360-647-0910 or 1-866-647-0910 (toll-free); TTY: 360-647-8508 or 1-877-647-8508 (toll-free);

Videophone 360-255-7166

By fax: 360-647-0923

By email: bellingham@hsvc.org

Online: www.hsvc.org

- U.S. Department of Justice ADA Hotline: Information and technical assistance on the Americans with Disabilities Act.

By phone: 1-800-514-0301 (toll-free); TTY: 1-800-514-0383 (toll-free)

Online: www.ada.gov

Public Accommodations Discrimination

- U.S. Department of Justice: To make a public accommodation complaint.

By phone: 202-514-0716; TTY: 202-514-4609

By fax: 202-307-1197

By mail: 950 Pennsylvania Ave. N.W., Civil Rights Division, Disability Rights Section – 1425 NYAV, Washington, D.C. 20530

By email: ADA.complaint@usdoj.gov

Online: www.ada.gov/fact_on_complaint.htm



CHAPTER 11

Elder Abuse

What Is Elder Abuse?

Elder abuse is mistreatment of an older person where the victim suffers harm or loss. Some examples of elder abuse are:

- **Physical abuse:** Intentionally inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding. Most types of physical abuse are criminal.
- **Sexual abuse:** Sexual abuse of an older person can include rape; sexual touching; exposure to sexually-explicit photos; taking sexually-explicit photos; and forced nudity. Sexual abuse is criminal, and includes:
 - Sexual conduct of any kind with an older person who does not consent.
 - Any sexual contact with a person who doesn't have the legal capacity or the ability – whether mental or physical – to consent.
 - Consensual sexual conduct between a vulnerable adult and a staff person of certain entities (such as a long-term care facility, hospital, etc.) who is involved in the care of vulnerable adults. *See “Who Is a Vulnerable Adult?...” later in this section.*
- **Emotional or mental abuse:** Intentional action or inaction that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing. Emotional abuse can be criminal depending on the circumstances.
- **Domestic violence:** Many crimes, if committed against family or household member(s), constitute domestic violence. In addition, domestic violence includes intentional acts which cause any of the following among household or family members:
 - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;
 - sexual assault; or
 - stalking.
- **Financial exploitation:** Improper or unauthorized use or control of an older person's funds, property, trust funds, or other resources for the benefit of someone else. Financial abuse can involve unusual banking activity; selling or mortgaging assets; changing banks; redirecting automatic deposits; using a financial power of attorney or a Will or Trust written in favor of a new friend or caregiver; redirecting mail; suspicious credit-card activity; lack of basic necessities which the vulnerable adult can otherwise afford to buy; or missing property. Financial exploitation is criminal.
- **Neglect or Abandonment:** Failure of a caregiver or another person with a duty to a vulnerable adult, such as a guardian or trustee, to carry out his or her responsibilities. Neglect includes failure to provide proper food, shelter, medical treatment, or hygiene, or acting in a way that shows clear disregard for the vulnerable adult's health, welfare, or safety. Abandonment can also include leaving an elderly person

in a situation where he or she cannot get those necessities. Certain types of neglect and abandonment can be criminal.

- **Self-neglect:** Failure to provide for one's own basic needs and putting oneself at risk of harm. Self-neglect is not criminal.
- **Personal Exploitation:** Forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with past behavior, or causing the vulnerable adult to perform services for the benefit of another person. Personal exploitation can be criminal, depending on the circumstances. *See the "Consumer Scams & Fraud" section of the Consumer Guide chapter.*

Who Commits Elder Abuse?

Anyone who does any of the acts described above and on the previous page commits elder abuse. Most often, elder abuse is committed by someone who is in a relationship of care or trust with the elderly person, such as a family member, caregiver, close friend, or a stranger who rapidly develops a close relationship with an elder who is lonely. Sometimes an abusive caregiver or other person will not allow visitors to see the victim alone, so it can be hard to find out about the abuse.

Who Are Mandatory Reporters?

Certain people who care for or work with vulnerable adults are legally required to report any signs of abuse or neglect. These people are called Mandatory Reporters and they include:

- DSHS employees
- Law enforcement
- Social workers
- Professional school staff
- Individual care providers
- Employees and operators of care facilities
- Employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, and hospice agencies
- Health-care providers
- Christian Science practitioners

Are There Any Protections for Reporters?

People who report elder abuse (whether they are mandatory reporters or not), or testify in court, in good faith cannot be held liable, even if they reveal a confidential communication.

Who Should I Contact to Report Elder Abuse?

You should report elder abuse to these two agencies:

- Police, which means dialing 911 in most counties, **and**
- DSHS's "EndHarm" hotline: 1-866-ENDHARM (363-4276) (toll-free).

If the abuse happened in an adult family home, assisted living facility, nursing home or other certified community residential setting, also call the DSHS Complaint Resolution Unit at 1-800-562-6078 (toll-free).

What If I Am Not Sure Someone Is Being Abused or Neglected?

If you suspect someone is being abused or neglected but you are not sure, you can call the police and ask them to conduct a welfare check, also known as a wellness check. Use a non-emergency number when calling the police to ask for a welfare check. You should always call 911 if there is an emergency situation.

Who Is a Vulnerable Adult? Why Is It Important to Know About Them?

“Vulnerable Adult” is a legal term. The law gives vulnerable adults extra protections. Not all elderly people are vulnerable adults. A vulnerable adult is any person who is:

- Sixty (60) years of age or older and functionally, physically, or mentally unable to care for himself or herself;
- An adult with a developmental disability;
- An adult with a legal guardian (court-appointed);
- An adult living in a long-term care facility, such as an adult family home, an assisted living facility, or a nursing home; or
- An adult living in any home who receives services from an agency or from a paid provider.

What Is a Vulnerable Adult Protection Order? Are There Other Civil Remedies for Victims?

A Vulnerable Adult Protection Order is a protection order issued by a court. Either the vulnerable adult or a person interested in protecting a vulnerable adult may file a petition in Superior Court, requesting a Vulnerable Adult Protection Order. This protection order is a court ruling stating that a person who is a vulnerable adult was abandoned, abused, financially exploited, neglected, or threatened with any of these actions. This order can prevent the abuser from having any contact with the vulnerable adult, require the abuser to provide a financial accounting for the vulnerable adult’s property, and impose criminal penalties for violation of the order. Talk to an elder or disability lawyer for help. *See the Legal Help chapter in this Handbook for information on lawyers and legal services.*

A vulnerable adult or person on his or her behalf can also file a lawsuit in Superior Court asking for financial damages due to abandonment, abuse, financial exploitation, or neglect. A personal injury lawyer can advise you on whether you have this kind of claim.

You should always call 911 if there is any emergency or concern for someone’s safety.

What If the Abuser Has Power of Attorney?

If the abuser is acting under a Power of Attorney, then certain people may ask the Superior Court to review, change or cancel (“revoke”) the Power of Attorney. Those people are:

- The vulnerable adult;
- The vulnerable adult’s spouse or domestic partner;
- The guardian of the vulnerable adult; or
- Any other person who can show the court that she or he is concerned about the vulnerable adult’s well-being.

For example, the Superior Court can decide if the Power of Attorney is valid. The court may demand an accounting, change the powers, remove the abuser from the Power of Attorney, or order him or her to do something (or not do something). *For more information about Powers of Attorney, see the resource list at the end of the “Powers of Attorney for Financial Matters” section in the Planning for the Future chapter in this Handbook.*

Resources

For More Information on Elder Abuse

- *Are You Being Stalked?*, by Legal Voice (also available in Russian)
Online: www.legalvoice.org, click on “Tools & Resources,” then “Gender-Based Violence”
- Department of Social and Health Services (DSHS): Information about adult abuse and prevention for the general public and mandatory reporters.
Online: www.adsa.dshs.wa.gov/APS/
- Eldercare Locator: A service of the U.S. Administration on Aging. Maintains lists of local resources for reporting and addressing elder abuse, among other topics.
By phone: 1-800-677-1116 (toll-free)
Online: www.eldercare.gov
- National Center on Elder Abuse: A program of the U.S. Administration on Aging.
By phone: 1-855-500-3537 (toll-free) (Monday to Friday except federal holidays, 8:30AM-5PM) (Assistance in Spanish available on Thursdays and Fridays.)
Online: www.ncea.aoa.gov
- National Committee for the Prevention of Elder Abuse: A non-profit organization dedicated to the prevention of abuse and neglect of older persons and adults with disabilities.
By phone: 202-464-9481
By email: info@preventelderabuse.org
Online: www.preventelderabuse.org
- *Protecting Elders and Vulnerable Adults from Abuse and Neglect*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Seniors,” then click on “Guardianship”
- *Questions and Answers on Guardianship*, by Columbia Legal Services
Online: www.washingtonlawhelp.org; click on “Seniors,” then click on “Guardianship”
- RCW (Revised Code of Washington) Chapter 74.34: Vulnerable Adult Protection Act (includes the law about mandatory reporters)
In print: Visit your local public library or county law library (*see Legal Help of this Handbook*)
Online: <http://apps.leg.wa.gov/RCW/default.aspx?cite=74.34>
- *The True Link Report on Elder Financial Abuse 2015*, by True Link
Online: www.truelinkfinancial.com; click on “Resources,” then on “Research”
- Vulnerable Adult Protection Order: Forms and instructions
Online: www.courts.wa.gov/forms/?fa=forms.contribute&formID=70

Reporting Abuse and Getting Help

- Abused Deaf Women’s Advocacy Services (ADWAS) (see the next listing for ADWAS Crisis Line information):
By videophone: 206-922-7088
By email: adwas@adwas.org
Online: www.adwas.org
- Abused Deaf Women’s Advocacy Services (ADWAS) Crisis Line (see previous listing for main office information):
By voice phone: 1-800-799-7233
By videophone: 206-812-1001
TTY: 1-800-799-3224 (toll-free)
By email: deafhelp@thehotline.org
- Department of Social and Health Services (DSHS) abuse hotlines:
By phone:
 - 1-866-ENDHARM (363-4276) (toll-free); TTY accessible (To report abuse or neglect of a vulnerable adult or a child in Washington State 24 hours a day. When you call, you will speak with a real person, who will connect you to the direct, local number to make your report.)
 - Complaint Resolution Unit: 1-800-562-6078; TTY: 1-800-737-7931 (toll-free) (To report abuse happening in an adult family home, assisted living facility, nursing home or other certified community residential setting.)
- Domestic Violence advocates in Washington State:
By phone: 2-1-1 or call the Washington State Domestic Violence Hotline at 1-800-562-6025 (toll-free)
- Home Care Referral Registry: Provides referrals to screened in-home care providers for people who receive public funding and information about hiring and supervising in-home care providers.
By phone: 1-800-970-5456 (toll-free)
Online: http://hcr.wa.gov/Consumers2010/videos_guides.html
- King County Prosecuting Attorney’s Office: Information on elder and vulnerable adult abuse.
Online: www.kingcounty.gov/depts/prosecutor/victim-community-support/elder-abuse.aspx
- Washington State Coalition of Sexual Assault Programs
Online: www.wcsap.org/find-help
- Washington domestic violence programs and services:
Online: <http://wscadv.org/washington-domestic-violence-programs/>



CHAPTER 12

Immigration

U.S. immigration law is very complex and constantly changing. This chapter gives general information. *Please see Resources at the end of this chapter for links to more in-depth and up-to-date information.*

Basic Concepts about U.S. Immigration and Citizenship

Below is a list of words and concepts used in this chapter. For a more comprehensive list of immigration terms and definitions, *see the U.S. Department of State, Bureau of Consular Affairs' A-Z index listed under "Key Government Websites" in Resources at the end of the chapter.*

- **Passport:** A document from your country of nationality/citizenship that you need to travel between countries.
- **Visa:** This is a stamp put in your passport from the Embassy or Consulate of the country you want to visit. It can allow you travel to that country for a specific purpose (like a short-term tourist visa) or can grant you a certain category of immigration status (like an immigration visa for a spouse). It can be temporary or permanent. For example, to get a visa to come to the USA, you would need to apply at a U.S. Consulate or Embassy abroad.
- **Green card:** This is a street name for a plastic card that proves you have "lawful permanent residence" (LPR). It is also called an "alien registration card" or "I-551". You can get a green card through a U.S. citizen or LPR sponsor or employer, or in some cases by self-sponsorship. Common sponsors include certain relatives, employers, and government programs like the diversity visa lottery. You can live and work anywhere in the U.S. (Special rules apply if your sponsor was an employer or job.) A green card gives you most of the same rights and responsibilities as a U.S. citizen except:
 - You cannot vote in most elections;
 - You cannot get many public benefits (or can't for a period of time);
 - You can lose status by living abroad too much, by criminal activity, and other reasons;
 - Your ability to sponsor immigrant spouses and children is limited (*see "Quota" on the next page*); and
 - You might have "conditional residence" for two years and must remember to apply for a "petition to remove conditions" before the two years expire. (Includes some marriage cases.)
- **Removal:** "Removal" was once known as "deportation." This is the process of the government trying to kick someone out of the U.S. because of overstay, illegal entry, fraud, crimes, etc. Some people are removed immediately at the border; some are removed only after a final decision in the immigration and/or federal courts. *See Resources at the end of this chapter.*

- **Quota:** Each year, for each category of lawful permanent residence, only a certain number of visas/ green cards are available. This is called a “quota.” When demand exceeds supply, it creates a backlog, or “waiting list.” In some family-based categories for example, people may wait for many years. There is no quota for parents, spouses, or children under 21 years old immigrating through a sponsor who is a U.S. citizen – the waiting period they experience is from bureaucratic delays in processing the applications. Some employment categories have no waiting lists. The status of the quota can be followed monthly in the “Visa Bulletin” published by the U.S. State Department. There are special rules for children who start the green card process before they turn 21 years old. We strongly recommend that you get help with this process from an immigration lawyer.
- **Asylee v. refugee:** An *asylee* is someone who is in or at the border of the U.S. and is asking for or has been granted asylum. A *refugee* is someone abroad who has been granted refugee status before coming to the U.S. *Both* must prove that they were persecuted or have a “well- founded fear” of future persecution because of their race; religion; national origin; political opinion; or membership in a social group (such as sexual orientation or identity). Asylees and refugees can apply for LPR status after one year as an asylee or refugee. Asylees and refugees can get certain public benefits. *See Resources at the end of this chapter.*
- **Citizenship:** Citizenship is given automatically to everyone born in the U.S. There are some situations where a person born abroad may be a U.S. citizen (or can get citizenship) automatically: if the person has at least one parent who is a U.S. citizen; has Native American heritage; is or was involved in the U.S. military service; has an ancestor who was a U.S. citizen; and other reasons. There are many obscure laws dealing with automatic or derived citizenship, so it is best to get help from an immigration lawyer.
- **Naturalization:** Naturalization is the process to become a U.S. citizen, usually after first becoming a lawful permanent resident (*see “Green Card”*). There are special rules for adoptions, military service, and people employed abroad. The basic requirements are:
 - Be a lawful permanent resident for at least 5 years, or if married to a U.S. citizen, for at least 3 years;
 - Be physically present in the U.S. for at least half of that time, and any trips outside the U.S. must be less than 6 months long;
 - Be at least 18 years old;
 - Have a “clean” criminal and police history;
 - Be up-to-date on your income tax and other obligations, like child support; and
 - Pass a test on U.S. civics and history, and speak, read, and write in basic English. (Some people, based on age and how long they have lived in the U.S., do not have to take the English test. A shorter civics test is available for people 65 or older.)

Special Considerations for Seniors

Elderly people who want to immigrate to the U.S. should know that their age and health status may affect their chances of getting a green card. The U.S. government will not give green cards to people who are “likely to become a public charge,” which means the person will likely rely on the U.S. government for financial support for daily living and/or long-term care. It is also important for elderly immigrants to know that they cannot get federal benefits and many state benefits for five years after immigrating. Certain public benefits may still be available, however, depending on your immigration status. *For more information, see the pages of this Handbook listed under “Immigrants” in the index. Also see the National Immigration Law Center website listed under “National Organizations Serving Immigrants” in Resources at the end of this chapter.*

Special Considerations for LGBT Families

Since June 2013, same-sex and transgender family members may sponsor or be sponsored for immigration. This includes:

- Spouse cases
- Children cases (step-parent, adoption, and artificial reproduction technology rules may apply)
- Certain “qualifying relative” cases

Since the U.S. Supreme Court’s 2015 decision legalizing marriage of same-sex couples in all U.S. states and territories, the U.S. now honors all legal marriages regardless of where the couple lives or where they file for their visa or green card. *See the listing for Immigration Equality, a national organization serving LGBT immigrants, listed in Resources at the end of this chapter.*

Citizenship

What Are the Benefits of Becoming a Citizen?

There are many benefits of becoming a citizen, like voting rights, access to federal programs, and being able to apply for certain jobs. You can file petitions for relatives to immigrate. You will be protected from deportation and from the residence requirements to maintain Lawful Permanent Residence status.

Another important benefit has to do with estate planning. If one spouse is a U.S. citizen and the other is not, the non-citizen may have to pay more taxes after inheriting the U.S. citizen spouse’s estate. If both spouses are not U.S. citizens, talk to a tax or estate advisor.

Are There Reasons Not to Become a U.S. Citizen?

For some people, yes. There are many consequences to citizenship, and you should carefully consider how citizenship will affect your life. You should talk to an experienced lawyer before deciding to apply for U.S. citizenship.

One risk to becoming a U.S. citizen is possibly losing your current citizenship. Many countries do not allow their citizens to also become citizens of another country. For example, if you have Japanese citizenship and then become a U.S. citizen, Japan will take away your Japanese citizenship. *See the next question “Can I Be a Dual Citizen?”*

Another risk to becoming a citizen is if you violated your resident status or committed fraud to get your visa or green card. That could be discovered when you apply for citizenship and you could be deported. Immigration officers review all of your prior immigration and visa applications and entire immigration history when they review your citizenship application.

Can I Be a Dual Citizen?

Maybe. The U.S. has to honor the rules of other countries, and many countries allow their citizens to have dual citizenship. For more information, check with the embassy of the other country of which you would also like to be a citizen. Again, you should talk to an experienced lawyer as dual citizenship may seriously affect taxes, pension or health care benefits, voting rights, and more.

How Much Does It Cost to Apply for Citizenship?

As of 2015, the fee for naturalization was \$595 plus an \$85 biometrics (security check) fee. If your application is denied, you will not get a refund. Some low-income people may qualify for a fee waiver. People 75 or older don't pay the biometric fee.

What Happens After I Apply for Citizenship?

Several months after you apply, U.S. Citizenship and Immigration Services (USCIS) will invite you in for your interview and test. Some people, based on age and how long they have lived in the U.S., do not have to take the English test. A shorter civics test is available for people 65 or older. If a disability prevents you from taking the tests, you can ask for an exemption. There are also special rules for very ill or mentally incapacitated people. *Forms, fee information, and study materials are on the USCIS website listed in Resources at the end of this chapter. More information about naturalization workshops and groups that offer legal assistance with Immigration and Citizenship issues are also listed in Resources.*

Note: If you plan on working in the U.S., you should update the Social Security office to make sure the correct information is in the E-Verify system that employers use to check immigration or citizenship status of potential employees. *See the link under USCIS in Resources at the end of this chapter.*

Can I Lose My U.S. Citizenship?

Yes. Citizenship can be taken away from people who committed fraud to get citizenship. You can also give up your U.S. citizenship voluntarily, but there are many consequences. You should talk to an experienced lawyer before voluntarily giving up U.S. citizenship.

Can I Come to the U.S. Temporarily?

Maybe. You can come to the U.S. temporarily with a “nonimmigrant visa.” This can be as short as a few hours to go shopping or visit a friend, or as long as many years to work or go to school. U visas for victims of crimes and T visas for victims of trafficking are also temporary, nonimmigrant visas. Note that if you are in the U.S. with a temporary, nonimmigrant visa, you cannot get many public benefits and services. While in the U.S., there is a process for some with a nonimmigrant visa to extend their stay or change status. Some temporary, nonimmigrant visas require proof that you continue to keep your family, business, school, financial, and property ties in your country so that you will return home and not overstay or work illegally. *For more information on visa types and changing status, see the listings under “Key Government Websites” in Resources at the end of the chapter.*

What Should I Know About Becoming a Sponsor?

Becoming a sponsor can have serious consequences. If you sponsor another person for immigration, you must accept financial responsibility for that person until she or he becomes a U.S. citizen, dies, or loses LPR status. For spouse sponsorships, that responsibility continues even if you get a divorce. You will have to prove that you have a certain amount of income. If you do not have enough income, you will have to find someone to be a joint sponsor. If you sponsor someone for a job, you may have other wage and working condition responsibilities and liabilities.

Can I Lose My Lawful Permanent Residence (LPR) Status?

Yes. Lawful Permanent Residence (LPR) status can be lost or taken from you several ways: by spending too much time outside the U.S.; by committing certain crimes; receiving certain welfare; if you committed fraud to get your LPR status; and other reasons. You can also voluntarily give up your LPR status. But be careful

if you are doing it for tax reasons. We recommend you get help from an immigration and tax lawyer if you plan to give up status or are concerned about losing status. In addition, if you are a lawful permanent resident and have an opportunity to live abroad for a while, you should talk to an immigration lawyer first about how to keep your LPR status. Also, maintaining your LPR status is important for qualifying for naturalization. *To learn more about maintaining status, see the link to more information about LPR status under “U.S. Citizenship and Immigration Services (USCIS)” listed under “Key Government Websites” in Resources at the end of this chapter.*

What If I Am Questioned by the Police or an Immigration Official?

You must have your valid immigration documents with you at all times. If an officer asks for them, it is possible you may be arrested if you do not show the documents. You have the right to remain silent. You do not have to let police into your home unless they have a warrant (permission signed by a judge). Customs officers, however, can ask about your status and search you without a warrant. In general, it is a good idea to talk to a lawyer before answering questions or signing anything. If you are charged with a crime, ask your lawyer about how a conviction or a plea bargain could affect your immigration status. *See listings under “Law Enforcement and Legal Help” in Resources at the end of this chapter.*

What If I Don’t Speak English Very Well?

Most federal, state, and local agencies will offer interpreter services for free. Ask if translated documents are available. The website www.washingtonlawhelp.org and most government websites have information in Spanish, and sometimes in other languages, too. Courts will provide interpreters during court hearings. Some legal services can provide an interpreter for free. *See listings under “Interpreters” in Resources at the end of this chapter.* If an interpreter does not speak your dialect, make it known that you do not understand.

How Can I Avoid Scams?

Immigrants are often targeted by scams. It is one of the reasons why the U.S. government allows only certain people to help immigrants with legal issues.

The following types of people can give legal advice; figure out what forms you need to fill out; help you fill out forms; submit the forms; and attend application interviews or immigration court hearings:

- Licensed lawyers who have not been disciplined in any state or by the Executive Office of Immigration Review (EOIR);
- Board of Immigration Appeals (BIA) Accredited Representatives who work for Accredited Organizations;
- Law students being supervised by a licensed lawyer or accredited representative who get permission from USCIS or EOIR to appear;
- Designated officials, such as consular officers; and
- “Reputable individuals,” such as a friend, relative, or clergy who knows you personally, has not charged a fee, and gets permission from USCIS to help you.

Be careful to work only with people that are allowed to help immigrants with legal issues. Notarios, notary publics, immigration consultants, and businesses are not allowed to help you with legal issues. In many other countries, the word “notario” means that the person is a lawyer, but that is not true in the U.S. Anyone not on this list may help you only by filling in forms with the words you tell them to write. *For more information on who can help you, see the “U.S. Citizenship and Immigration Services (USCIS)” link to information on finding legal help listed under “Key Government Websites” in Resources at the end of this chapter. Also see the listings under “Legal Services.”*

Other Things to Watch Out for:

- Tax and immigration scams such as demands for money over the phone as a condition of some action to take, or threats of deportation.
- International marriage and financial scams. See: <http://travel.state.gov/content/passports/english/emergencies/scams.html>.
- Internet dating and romance scams. See: <http://travel.state.gov/content/passports/english/emergencies/scams/dating.html>.
- Prepaid phone cards that don't work or work poorly.
- Bilingual telemarketers who try to sell you an expensive telephone service.
- Trade schools that help you get federal loans but then don't provide job training.
- Money wire transfer services that charge hidden fees or never send the money (always get a receipt).
- Denial of credit because of your national origin or race.
- Personal loans for manufactured homes, which have higher interest rates and shorter terms.
- Also watch out for illegal dependent exemptions and earned income tax credits that you are not entitled to on your tax return. Many notarios and tax preparers improperly take these benefits to get you more money, but they could affect your tax and immigration liabilities. Deal with a qualified tax preparer or CPA. Also beware of loans or fees taken against your tax refund.

Read the Consumer Guide chapter and the "Credit and Debt" section of the Personal Finances chapter in this Handbook. More information about avoiding fraud and getting help with immigration issues are listed under "Consumer Issues" in Resources below.

Resources

Key Government Websites

- U.S. Department of State, Bureau of Consular Affairs:
 - Information on U.S. visas and links to U.S. embassies and consulates abroad: <https://travel.state.gov/content/visas/en.html>
 - Information on immigration to the U.S.: <http://travel.state.gov/content/visas/english/immigrate.html>
 - A-Z index: <http://travel.state.gov/content/visas/english/general/a-z.html>
- U.S. Citizenship and Immigration Services (USCIS)
By phone: 1-800-375-5283 (toll-free); TTY: 1-800-767-1833 (toll-free)
Online: www.uscis.gov
 - Forms, fee information, and study materials: www.uscis.gov/forms
 - Information on how to change status while in the U.S. with a Nonimmigrant Visa: www.uscis.gov/visit-united-states/change-my-nonimmigrant-status-category/change-my-nonimmigrant-status
 - Information on Lawful Permanent Residence (LPR): www.uscis.gov/greencard
 - Information on finding legal help: www.uscis.gov/legaladvice
 - Information on E-Verify: www.uscis.gov/e-verify/employees/e-verify-overview

- US Customs and Border Protection: Deals with admissions to the USA at Ports of Entry and has authority within 100 miles of the border.
Online: www.cbp.gov

National Organizations Serving Immigrants

- American Immigration Lawyers Association (AILA)
By phone: 202-507-7600
Online: www.aila.org
 - Lawyer search by location, language, and service needed: www.ailalawyer.com
 - AILA Military Assistance Program (MAP): A collaborative effort between the AILA and JAG to provide free assistance to active duty service-members and their families:
www.aila.org/practice/pro-bono/find-your-opportunity/military-assistance-program
 - *Protect Your Dreams! Get the right immigration advice from a licensed professional* (also in Spanish):
www.aila.org/content/fileviewer.aspx?docid=26749&linkid=233107
- Immigration Equality: Information for gay, lesbian, bisexual, transgender, and HIV-positive immigrants, especially for those in binational relationships.
By phone: 212-714-2904
By fax: 212-714-2973
Online: www.immigrationequality.org
- National Immigration Law Center: Offers legal information on a variety of issues facing immigrants.
By phone: 213-639-3900
Online: www.nilc.org

Washington Organizations Serving Immigrants

- Asian Counseling and Referral Service: Classes on naturalization and education on immigration issues.
By phone: 206-695-7600; TTY: 206-695-7608
Online: www.acrs.org/services/citizenship-and-immigration-assistance/
- International Rescue Committee: Helps refugees, asylees, and victims of trafficking.
By phone: 206-623-2105
Online: www.rescue.org/us-program/us-seattle-wa
- OneAmerica: Information about your civil rights, citizenship, voting, Homeland Security, law enforcement, rights at airports, and rights at work available in several languages.
By phone: 206-723-2203
By email: info@weareoneamerica.org
Online: www.weareoneamerica.org
- Refugee Women's Alliance: Offering a range of services to help refugee and immigrant women and families.
By phone: 206-721-0243
Online: www.rewa.org
- Washington Chapter of AILA: Legal resources and information for the public.
Online: www.ailawa.org; see links under "Public Resources"

- Washington New Americans Program: A non-profit partnership between the AILA's Washington Chapter and OneAmerica to help you become a U.S. citizen with free assistance.
By phone: 1-877-926-3924 (toll-free)
Online: www.wanewamericans.org

Consumer Issues

- *Beware of Dishonest Immigration Consultants*, by the National Consumer Law Center (also in Chinese, Korean, Russian, Spanish and Vietnamese.)
By phone: 617-542-8010
Online: www.nclc.org/images/pdf/older_consumers/english_brochures/eng_beware.pdf
- StopNotarioFraud.org: AILA website that provides information on how to avoid immigration scams and fraud.
Online: www.stopnotariofraud.org

Government Benefits

- National Immigration Law Center: Information on access to federal public benefits for immigrants.
Online: www.nilc.org/issues/economic-support/; see the links under "Access to Economic Support"
- Northwest Justice Project distributes a wide variety of publications on government benefits for immigrants.
Online: www.washingtonlawhelp.org; click on "Public Benefits," then "Government Benefits for Immigrants and Refugees"

Interpreters

- *Interpreters for People with Limited English Proficiency*, by Legal Voice
Online: www.legalvoice.org; click "Tools & Resources," then "Lawyers & the Legal System"
- Refugee and Immigrant Services Northwest: Low-fee translation and interpretation. Call for an appointment. Drop-in services for emergencies.
By phone: 425-388-9307
In person: 2000 Tower St, Everett, WA 98201 (on the Everett Community College campus)

Law Enforcement

- ACLU publications:
 - *Know Your Rights: What to Do if You're Stopped by Police, Immigration Agents or the FBI* (brochure also available in Spanish)
Online: www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi; for a printable version, click on "Printable Bustcard" at the bottom of the page
 - *Know Your Rights: When Encountering Law Enforcement* (booklet also available in Spanish)
Online: www.aclu.org/files/kyr/kyr_english.pdf

- Immigrant Legal Resource Center Red Cards: Wallet card with information for immigrants about how to assert constitution rights when approached by law enforcement officials. In English and Spanish.
Online: www.ilrc.org/red_cards

Legal Services

- Catholic Immigration Legal Services
By phone: 206-328-6314 or 206-328-5714 (Seattle office); 360-416-7095 (Mount Vernon office)
Online: www.ccsww.org/site/PageServer?pagename=refugeeimmigration_index
- Center for Justice, Spokane, Washington: Legal advocacy regarding civil rights, discrimination, government accountability, poverty, and the environment.
By phone: 509-835-5211
Online: <http://cforjustice.org>
- Community Action of Skagit County: Volunteer program in coordination with lawyers from Skagit County Bar Association
By phone: Call via CLEAR at 1-888-201-1014 (*see Legal Help chapter for more ways to contact CLEAR*)
Online: www.communityactionskagit.org
- Eastside Legal Assistance Program (ELAP): Immigration Legal Clinic provides appointments with an attorney to discuss and receive advice on immigration issue. Call for an appointment. Interpretation services are available for non-English speaking callers.
By phone: 425-747-7274, 10:00 a.m.–1:00 p.m. Monday through Friday
Online: www.elap.org/clinic_schedule.htm
- International Rescue Committee: Helps refugees, asylees, and victims of trafficking.
By phone: 206-431-0333
Online: www.rescue.org/us-program/us-seattle-wa
- King County Bar Association Neighborhood Immigration Clinic: Wednesdays 5:30 p.m.–7:30 p.m.
Call for an appointment.
By phone: 206-587-4009, press 9 for the receptionist
Online: www.kcba.org/pbs/NLC.aspx
- Kitsap Immigrant Assistance Center: Low-cost or free legal services. Call or email for an appointment.
By phone: 360-616-0479; Spanish language line: 360-616-2722
Location: 645 4th Street, Suite 206, Bremerton
By email: kiacl@kitsapiac.org
Online: <http://kitsapiac.org/legal-services/>
- Latino/a Bar Association Legal Clinics: One Wednesday per month, 6:00 p.m.–7:00 p.m. First come, first served.
By phone: 206-622-8000
Location: El Centro de la Raza, 2524 16th Ave. South, Third Floor, Seattle
Online: <http://lbaw.org/Clinics>
- Lutheran Community Services NW: Legal services provided at the Seattle office.
Hours: Monday through Thursday 8:30 a.m.–5:00 p.m.; Friday 8:30 a.m.–3:00 p.m.
By phone: 206-694-5700
Location: 115 N.E. 100th St., Suite 200, Seattle
Online: www.lcsnw.org/services.html

- Middle Eastern Legal Association of Washington (MELAW): Free legal consultation with a volunteer lawyer in King County.
By phone: 206-588-5134; Leave a message with your name, telephone number, and issue.
Online: www.melegal.org/Clinic
- Northwest Immigrant Rights Project: A full-service legal clinic offering deportation defense and representation before CIS (formerly INS) including assistance with family visa processing/citizenship, self-petitions for battered women, political asylum, and community education.
By phone: 206-587-4009 or 1-800-445-5771 (toll-free)
Online: www.nwirp.org
- Refugee Women's Alliance: Offers naturalization services and legal clinics.
By phone: 206-721-0243
Online: www.rewa.org/services/naturalization-and-legal-services/
- LAW Advocates: Free legal help in Whatcom County for low-income individuals and families facing urgent non-criminal legal problems.
By phone: 360-671-6079
Online: www.lawadvocates.org
- World Relief Immigration and Legal Services Department: Offers legal help and citizenship classes. Call for an appointment or drop in during office hours. Monday, Tuesday, and Wednesday, 9:00 a.m. – 4:00 p.m.
By phone: 509-321-0327
Location: 1522 N. Washington St., Suite #103, Spokane
Online: <http://worldreliefspokane.org/immigration-services>

Removal

- American Immigration Council : Information on immigration detainees (used by ICE to find potentially deportable individuals currently held in prisons or jails)
Online: <http://immigrationpolicy.org/just-facts/immigration-detainers-comprehensive-look>
- Immigration Courts, Executive Office of Immigration Review
By phone: To check on status of a case, call 240-314-1500 or 1-800-898-7180 (toll-free)
Online: www.justice.gov/eoir
- Northwest Immigrants' Rights Project publications:
 - *About the Northwest Detention Center*
www.nwirp.org/resources/about-the-nw-detention-center/
 - *Guide for Detained Immigrants* (also available in Spanish)
www.nwirp.org/resources/know-your-rights/
- US Immigration and Customs Enforcement (ICE) Detainee Locator: Locate a detainee who is currently in ICE custody, or who was released within the last 60 days.
Online: <https://locator.ice.gov/odls/homePage.do>



CHAPTER 13

Employment

You may find that you are working longer into your senior years than you expected. In fact, more and more people over 55, and even over 65, are working. This chapter talks about working when you are older, but “older” can mean different ages, especially when considering Social Security retirement benefits.

Social Security Retirement Benefits

See the “Social Security” section in the Financial Benefit Programs chapter of this Handbook for information on:

- Social Security retirement benefits and your eligibility.
- When to start taking retirement benefits if you are eligible.
- Getting retirement benefits at age 62, full retirement age, or at age 70.

Can I Still Work Even Though I Am Receiving Social Security Retirement Benefits?

Yes, but it could affect your benefits depending on your age and the amount of money you earn. If you start taking retirement benefits between the ages of 62 and your “full retirement age,” you can earn up to a yearly limit. The yearly limit changes every year and is available from Social Security. For example, the yearly limit for 2016 is \$15,720. When you earn more than the yearly limit, your benefits will be reduced. When you reach full retirement age, Social Security will add that money back in to your benefit amount.

Also, if you work between the ages of 62 and full retirement age, you may be able to increase your benefits for your full retirement age.

If you start taking retirement benefits at full retirement age, you can work and earn as much money as you want beginning the month of your birthday. (For the months before your birthday that year, there is an earnings limit of about twice the earlier limit.) Your monthly benefit cannot be reduced. Full retirement age is 66 for people born between the years 1943 and 1954, and gradually increases to 67 for people born in 1960 or later. Social Security can tell you your full retirement age.

When Social Security Calculates the Amount I Earn, What Income Counts?

If you work for someone else, your gross earnings from that job count toward Social Security’s earnings limits, and your income counts when it is earned.

If you are self-employed, only your net earnings from self-employment count, and your income counts when you receive it.

Income such as other government benefits, investment earnings, interest, pensions, annuities, and capital gains does not count.

How Much Will My Retirement Benefits Be Reduced If I Exceed the Allowed Amount?

If you are between the ages of 62 and full retirement age, \$1 in benefits will be deducted for every \$2 you earn above the yearly limit.

In the year you reach your full retirement age, \$1 in benefits will be deducted for every \$3 you earn over a higher limit, until the month you reach full retirement age. Then you get your full Social Security benefit payments, no matter how much you earn.

Social Security Disability Insurance (SSDI)

See the “Social Security” section in the *Financial Benefit Programs* chapter of this Handbook for information on:

- SSDI benefits and how to figure out if you qualify.
- What to do if you are turned down for SSDI benefits.
- Who else in your family might be covered by your SSDI benefits.
- When SSDI benefits convert to retirement benefits.

Can I Still Work Even Though I Am Getting SSDI Benefits?

Yes, but there are limits to how much money you can earn (*see next question below*). The rules are complex and you may want to talk to a lawyer who focuses on Social Security law. It is very important that you tell Social Security about any work that you are doing, no matter how little you earn. Call Social Security at 1-800-772-1213 as soon as you start working. Social Security is supposed to send you a work report form. If they do not send you this form within 30 days, call back. If you do not make sure that Social Security gets the correct information, you may be charged with an overpayment of benefits. Keep a copy of everything Social Security sends you and you send them. Save the envelopes and take notes whenever you talk to someone at Social Security.

How Much Money Can I Earn without Affecting My SSDI Benefit?

You can work and stay on full SSDI benefits, but you have to earn less than a monthly amount that Social Security calls “substantial gainful activity” (SGA). That amount changes every year. For instance, in 2015, the amount was \$1090 per month, before taxes. The amount is higher if you are blind. You can also subtract work expenses that you have because of your disability. Ask Social Security how much you can earn before your benefits are affected. *See Resources at the end of this section.*

What Happens If I Earn More than the Substantial Gainful Activity (SGA) Amount?

There is a special rule that allows you to work for what Social Security calls a “trial work period” and earn more than the monthly SGA amount. The trial work period (TWP) is at least nine months in a 60-month period. The nine months don’t have to be consecutive.

When Does the Trial Work Period Start?

Any month that you earn more in gross income than the amount allowed by Social Security counts toward your trial work period. The amount changes every year. As an example, in 2015, the amount was \$780 per month. If you are self-employed, Social Security will look at both earnings and hours worked to decide if your month of work is a trial-work-period month. During your trial work period, you will receive full SSDI benefits regardless of how high your earnings might be. But, your work activity must be reported and you must have a disabling impairment. If you complete the nine-month trial work period and your earnings were over the SGA amount, then your benefits may be terminated.

Are There Any Exceptions or Deductions If I Earn over the SGA Amount?

“Impairment-related work expenses” are the expenses you pay to treat your disabling impairment. These expenses can be deducted from your gross income to reduce your income below the SGA amount. Examples of potentially deductible work expenses are co-payments for prescription drugs, counseling services, and specialized work equipment. Many things you might think are deductible, like health insurance, are not deductible. Talk to someone at Social Security or a lawyer about these deductions.

How Does SSA Know How Much I Am Making Each Month?

As noted above, you must report your work income to Social Security no matter how much or how little you earn.

If I Do Work While Receiving SSDI Benefits, Will That Work Trigger a Review?

If you have been receiving SSDI benefits for two years, SSA will not have a medical continuing disability review just because you return to work. Many people try to work despite their disabilities. Social Security can only end your benefits if the medical evidence shows that you have “improved.” Make sure that your doctors and providers know about the difficulties you are having.

What About Working While I Am Applying for SSDI Benefits?

You can be working and still apply and be eligible for SSDI. Social Security will consider any amount of work that you do in determining whether you are disabled. Again, the rules are complex and you should talk to a lawyer who focuses on Social Security law. *See the Legal Help chapter at the end of this Handbook.*

What Happens to My Medicare Coverage If I Go Back to Work?

If you are 65 years old or older and on Medicare, you are allowed to work and stay on Medicare. If you are under 65 years old and your cash SSDI benefits stop because you have gone back to work, you may be able to continue getting at least 93 consecutive months (7 years and 9 months) of Medicare coverage after the nine-month trial work period. You must already be on Medicare, and you must still be disabled under Social Security’s rules.

Supplemental Security Income (SSI)

See the “Supplemental Security Income (SSI)” section of the Financial Benefit Programs chapter in this Handbook for information on:

- SSI and how to figure out if you qualify.
- How to apply for SSI benefits and what to do if you are turned down.
- Other non-employment issues relating to SSI.

Can I Still Work Even Though I Am Getting SSI Benefits?

Yes, but there are limits on how much money you can earn (*see next question below*). The rules are complex and you may want to talk to a lawyer who focuses on Social Security law. It is very important that you tell Social Security about any work that you are doing, no matter how little you earn. Call Social Security as soon as you start working. You must report the money you earn in a month by the tenth day of the next month.

How Will Work Affect My SSI Income?

The amount of your SSI payment is based on how much other income you have. When your other income goes up, your SSI payment usually goes down. If your only income besides SSI is the money you earn from your job, Social Security will deduct fifty cents of every dollar you earn that month from your payment. Social Security does not count the first \$85 of your monthly earnings.

You may receive SSI payments until your income (including earnings from work, other government benefits, pensions, annuities, and any other income) is greater than the SSI limit. During months when you earn more than the SSI limit, you will not receive an SSI payment. Usually, after a year of receiving no benefits, a new application is required. But, if you are unable to work again because of your medical condition or if you have reached the age of 65, you may be able to get SSI again without filing a new disability application.

What Is the PASS Work Program under SSI?

You can also work and still receive SSI benefits if you are part of the Plan to Achieve Self-Support (PASS). If you are disabled, PASS lets you set aside income and resources that won't affect your eligibility for a specific period of time. You must be working toward the work goal that you described in your application. You must apply for PASS and be preapproved by Social Security. *For more information, contact Social Security Area Work Incentives Coordinators, listed under "Social Security Benefits" in Resources at the end of this chapter.*

What Happens to My Medicaid Benefits If I Go Back to Work?

Even if your SSI payments stop because you are earning more than the SSI income limit, your Medicaid coverage may continue depending on how much you earn. Each state has a different limit, or earnings "threshold." For the limit in Washington State and more information, contact Social Security.

Workers' Compensation Benefits

What Is Workers' Compensation?

If you are injured on the job or have an occupational (work-related) disease, you may be able to get workers' compensation. This can include payment for medical expenses, partial payment for your lost wages, and payments for permanent disabilities. You may also be able to get help returning to work, such as vocational counseling. You may be covered by either the Washington State Department of Labor and Industries' (L&I) Washington State Fund or by a self-insured employer (meaning that the employer must cover the costs).

What If I Am an Undocumented Immigrant?

Labor & Industries is NOT associated with the Immigration and Naturalization Service. They will generally not report an undocumented worker to the federal government or to a local police authority.

What Should I Do If I'm Injured on the Job?

You should:

- Seek medical attention right away and tell the doctor that you were hurt at work.
- Tell your employer.
- File a claim within one year of injury or within two years from discovery of an occupational disease. If you are insured by L&I, you can get a claim form at the hospital or your local L&I field office; call 1-877-561-3453 (toll-free). If your employer is self-insured, you should get a “self-insurer’s accident report” form from your employer.

What Should I Do If My Claim Is Denied?

Workers’ compensation lawyers will meet with you for no charge. If they take your case, they will take their fees as a percentage of any benefits awarded to you. *See the Legal Help chapter at the end of this Handbook for lawyer referral resources.*

See Resources at the end of this section for more information about workers’ compensation.

Pensions

Some seniors have earned pensions by working for certain employers or agencies. It is possible to be getting a pension from a former employer and be working for a different employer at the same time. It is also possible to be getting more than one pension at a time.

Pensions are discussed in the “Retirement Plans and Pensions” section in the Personal Finances chapter in this Handbook.

Family Leave—the Family Medical Leave Act (FMLA)

The FMLA is a federal law that lets you take time off of work:

- For the birth, adoption, or receipt into foster care of a child;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- If you have a serious health condition;
- If you need leave because a spouse, son, daughter, or parent has been called to active duty in the Armed Forces; or
- To care for a covered service member with a serious injury or illness if you are the service member’s spouse, child, or parent.

This law applies to most employers, except private employers that have fewer than 50 employees.

In addition:

- You must have worked for the employer for at least 12 months. And you must have worked at least 1,250 hours during the 12 months before you ask for the leave.
- You can take up to 12 weeks of unpaid leave in any 12-month period (or 26 weeks to care for a member of the Armed Forces with a serious injury or illness).

- You must tell your employer 30 days in advance of taking the leave if you have advance notice, but not for emergency health situations.
- Your employer must keep group health insurance coverage for you while on family leave if you were already covered before the leave.

See Resources at the end of this section for more information.

Employment Termination and Unemployment Benefits

If you are fired or laid off (“terminated”) from your job, you need to find out what your rights are and what options you have, if any. *See the Northwest Justice Project publication “I Lost My Job. Do I Have Rights?” listed in Resources at the end of this section* for information about:

- How to figure out what type of employment relationship you had.
- Unlawful reasons for termination, including age discrimination.
- Your employer’s duties, if any, to you: for example, your final paycheck, COBRA (continuing medical coverage – *see the “Private Health Insurance” section of the Health Care chapter in this Handbook for information about COBRA*), severance pay, benefits and retirement payments, and references.
- Your duties, if any, to your employer: for example, confidentiality and non-compete agreements, and not making harmful or false statements about your employer.
- Enforcing your rights if you believe you were unlawfully discharged.

What About Unemployment Benefits?

If you lose your job, you may be able to get unemployment benefits from the state through the Employment Security Department (ESD). The amount would be a percentage of the pay you received when you were working.

How Do I Get Unemployment Benefits?

You must file a claim with ESD. The ESD will get information from you and your employer, and make a decision about your eligibility in a determination letter. You may be able to get unemployment benefits if:

- You were fired, suspended, or laid off and you did not engage in misconduct; or
- You quit for “good cause,” which is defined by law; and
- You have 680 hours of covered employment in your base year (*to learn more about your base year, see the “Estimate your benefit” link in the “Employment Security Department” listing in Resources at the end of this chapter*); and
- Your wages were earned in the state of Washington; and
- You are physically able to work, available for work, and actively seeking suitable work.

See Resources at the end of this chapter for information about filing a claim with ESD, and how to estimate your benefit amount.

How Much Unemployment Benefit Can I Get Per Week?

The exact amount you might receive per week depends on how many hours you worked and how much money you earned. ESD will mail you a Statement of Wages and Hours after you file your claim that will tell you how much you might be able to receive. In 2016, the maximum weekly benefit amount was \$664.

The minimum was \$158. No one who is eligible for benefits receives less than this, regardless of his or her earnings. *See the “Estimate your benefit” link in the “Employment Security Department” listing in Resources at the end of this chapter.*

What If My Claim Is Denied?

If your claim is denied, you may file an appeal. See your determination letter for more information. You must file an appeal within 30 days of the date on the determination letter. Even if ESD approves your claim, your employer may also file an appeal against your claim.

Once the appeal is filed, you should receive a “Notice: Appeal Filed” letter. You should receive a hearing notice within two weeks of the actual hearing. The hearing can be in person or by telephone. The administrative law judge will receive evidence and hear testimony from both sides.

If you disagree with the judge’s decision, you can appeal it by filing a Petition for Review to the Commissioner of the Washington State Employment Security Department. If your employer appeals the judge’s decision, you will receive a copy of your employer’s Petition for Review, and you will get a chance to respond. If you lose at the Commissioner review level, you have the right to file a Petition for Judicial Review in Superior Court within 30 days. *See Resources at the end of this chapter for organizations that may be able to help you with an appeal.*

You may also wish to contact a private lawyer. The state is required to pay the lawyer’s fees if you win your appeal at the Superior Court level. If you are unable to find a lawyer who is willing to take your case, you may file an appeal yourself.

How Long Can I Get Paid Unemployment Benefits?

Most claims get between 13 to 26 weeks of benefits. Extensions may or may not be available. Your claim is good for a “benefit year,” which is 52 weeks, beginning with the week you file your application.

Resources

Employment Rights for Non-Citizens

- *Immigration and Agricultural Workers*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Employment / Farm Worker Rights,” then “Farm worker rights”
- National Employment Law Project (NELP): Information about immigrant workers’ rights and remedies.
Online: www.nelp.org; click on “Publications” and enter “Immigrant Worker” in the search box below the featured publications

Family Medical Leave

- *Family Leave Laws*, by Legal Voice
Online: www.legalvoice.org; click on “Tools & Resources,” then “Employment & Economic Security”
- U.S. Department of Labor: To ask questions or to file a complaint.
By mail: Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210
By phone: 1-866-487-9243 for toll-free information and helpline (available 8 a.m. to 5 p.m.);
TTY: 1-866-487-9243 (toll-free)
Online: www.dol.gov/whd/

General Employment Rights

- Legal Voice publications
Online: www.legalvoice.org; click on “Tools & Resources,” then “Employment & Economic Security”
 - *Employment Discrimination* (also available in Spanish)
 - *Know Your Rights: Domestic Workers* (also available in Spanish and Russian)
 - *Leave from Work for Survivors of Domestic Violence, Sexual Assault, or Stalking* (also available in Russian and Chinese)
 - *Sexual Harassment at Work*
- U.S. Department of Labor – Wage and Hour Division: Enforces federal labor laws (such as minimum wage and overtime, federal garnishment, Service Contract Act, Fair Labor Standards Act, and Family & Medical Leave Act).
By phone: 1-866-487-9243 for toll-free information and helpline (available 8 a.m. to 5 p.m.);
TTY: 1-866-487-9243 (toll-free)
Online: www.dol.gov/whd

Social Security Benefits

- Social Security Administration
By phone: 1-800-772-1213 (toll-free) (available 7 a.m. to 7 p.m., Monday – Friday);
TTY: 1-800-325-0778 (toll-free)
 - *Retirement Planner: How We Deduct Earnings From Benefits*
www.ssa.gov/planners/retire/whileworking2.html
 - *How Work Affects Your Benefits*
www.ssa.gov/pubs/EN-05-10069.pdf
- Social Security Area Work Incentives Coordinators – Washington State
By phone: 1-866-931-6149 (toll-free), ext. 23405
Online: www.ssa.gov/seattle/awic.htm

Termination of Employment

- *I Lost My Job. Do I have Rights?*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Employment / Farm Worker Rights,” then click on “Termination”

Unemployment Compensation

- Employment Security Department headquarters in Olympia
By phone: 360-902-9500
By mail: P.O. Box 9046, Olympia, WA 98507
By email: smallbusiness@esd.wa.gov (information and assistance for workers and employers)
Online: www.esd.wa.gov
 - Estimate your benefit (base year):
www.esd.wa.gov/unemployment/calculate-your-benefit
 - To apply for benefits with the Employment Security Department:
By phone: 1-800-318-6022 (toll-free); TTY: 1-800-365-8969 (toll-free) (Monday through Friday 8 a.m. to 4 p.m.)
Online: <https://esd.wa.gov/unemployment/online-application-questions>
- Northwest Justice Project publications:
Online: www.washingtonlawhelp.org; click on “Employment / Farm Worker Rights,” then click on “Unemployment compensation,” then click on:
 - *How to Represent Yourself at an Unemployment Benefits Hearing*
 - *How do I Appeal my Denial of Unemployment Benefits to Superior Court?*
- Unemployment Law Project: Provides free legal assistance and information to people who have been denied unemployment benefits.
By mail: 1904 Third Ave., Ste 604, Seattle, WA 98101
By phone: 206-441-9178 or 1-888-441-9178 (toll-free)
Online: www.unemploymentlawproject.org

Workers’ Compensation

- For help with a self-insured claim, contact your self-insured employer or their claim representative.
- PROJECT HELP may be able to help you with your workers’ compensation claim.
By phone: 1-800-255-9752 (toll-free)
Online: www.projecthelpwa.com
- Washington State Department of Labor and Industries (L&I)
By phone: 1-800-547-8367 (toll-free)
Online: www.lni.wa.gov; for office locations click on “Contact”
 - For information on filing a claim, go to the website and click on “Claims and Insurance,” then under “Workers’ Comp Claims,” click on “Filing a Claim.”
 - For help with an L&I workers’ compensation claim:
Automated update on status of claim: 1-800-831-5227 (toll-free); TTY: 1-800-833-6388 (toll-free)
Customer service or claims manager: 1-800-547-8367 (toll-free)
(Spanish-speaking staff or translation service is available)

- To file a complaint if you believe you have been retaliated against or discriminated against for filing a workers' compensation claim (within 90 days):
By phone: 1-360-902-6568
By mail: Department of Labor and Industries, Investigations, P.O. Box 44277,
Olympia, Washington 98504-4277
Online: www.lni.wa.gov/ClaimsIns/FraudComp/Discrim
- *Workers' Compensation Benefits*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on "Employment / Farm Worker Rights," then click on "Workers' compensation"



CHAPTER 14

Legal Help

How Can I Find Out My Legal Rights?

When you just want to know what your rights or options are, you can often find that information by going to a website or calling a government or nonprofit agency. In this Handbook, we have briefly described the law and then provided resources at the end of each section to help you find more information about your rights and options. For example, at the end of the Employment chapter you will find telephone numbers and websites with additional information about family leave, unemployment, and workers' compensation.

Sometimes when you are having a legal problem or a dispute, you can solve the problem yourself by talking to or writing to the person with whom you have a problem. If you understand your rights before you do this, you have a better chance of convincing the other person to do what you feel is right. For example, you could speak to your employer about why you feel that you have a right to family leave, after you have read information about family leave laws.

What If I Don't Have Access to the Internet?

Most organizations have a telephone number that you can call. You can also go to your public library, local senior center, law library at the courthouse, or similar public space to use their computers. *See Resources at the end of this chapter and the Other Resources chapter.* Many places, including Legal Voice, can mail you publications if you don't have access to the Internet.

Working with Lawyers

When Do I Need a Lawyer?

People who are not lawyers – often called “advocates” – can represent you at administrative hearings, like unemployment or workers' compensation hearings. In most situations, however, only lawyers (also called attorneys) can give legal advice, complete legal forms for you, or represent you in court. You will need to speak to a lawyer if:

- You have questions about what the law means and whether it applies to you.
- You need help figuring out what would be the best strategy.
- You have questions about a particular court procedure.
- You want to pay someone to complete and file court forms for you.
- You have a limited amount of time to respond to a lawsuit.
- You want someone to speak for you in court.

Only lawyers have the training and experience and are licensed to provide these services. However, as stated earlier, at administrative hearings held at state agencies (such as unemployment, public school, DSHS), you may be represented by either a lawyer or an advocate (non-lawyer).

How Can I Find a Lawyer?

Lawyers focus on different kinds of cases or issues. If you want to hire a lawyer, you should try to find one who has experience with your type of case. If you already know a lawyer who handles the kind of case you have, or if friends or family can recommend someone, that's a good place to start. Otherwise, it is best to use a referral service. Your local bar association (a professional association of lawyers) may have a referral service.

If you cannot afford to hire a lawyer, one may be appointed for you at public expense, but only in specific circumstances. For example, you may have a lawyer appointed for you if you are charged with a serious crime or if a court is deciding whether to appoint a guardian for you.

In most civil cases – like divorce, probate, bankruptcy, etc. – you do not have the right to a free lawyer. If you are low-income and have certain types of civil legal problems, you might find free legal help through a legal-services agency (where lawyers are paid by the taxpayers) or through a volunteer lawyer program (where lawyers work for free). For example, the Unemployment Law Project might give you free legal advice about whether you should appeal if you are denied unemployment benefits.

For more information, see the Legal Voice publication “How to Find a Lawyer and Other Legal Resources in Washington State” listed in Resources at the end of this chapter.

How Much Will a Lawyer Cost?

Lawyers usually charge by the hour. If you have a simple case, the lawyer may be able to estimate how many hours and how much the fees will be. You will also have to pay the costs of a case, like court filing fees and copying costs.

Some cases, like personal injury cases, are usually handled on a contingency basis. That means your lawyer takes a percentage of the money awarded to you if you win your lawsuit. *For more information, see the Legal Voice publication “Working with a Lawyer” listed in Resources at the end of this chapter.*

What If I Have Never Worked with a Lawyer before?

The Legal Voice publication “Working with a Lawyer” has tips on how to choose the right lawyer and have a successful lawyer-client relationship. *See Resources at the end of this chapter.*

Working with Legal Technicians

What Is a Legal Technician?

Legal Technicians, also known as Limited License Legal Technicians (LLLT), are trained and licensed to provide limited legal support to people in Washington. This new legal profession was created in order to meet the needs of people who cannot afford a lawyer.

What Can a Legal Technician Do?

As of 2015, Legal Technicians are allowed to practice family law only. But this will likely soon change to include other areas of law. Other practice areas that are being considered are elder law, landlord tenant disputes, and immigration.

Legal Technicians can:

- Answer your questions and give legal advice;
- Complete and file necessary court documents;
- Help you with court scheduling;
- Help you prepare to represent yourself in court; and
- Support you in navigating the often confusing maze of the legal system.

Legal Technicians cannot:

- Represent you in court;
- Negotiate on your behalf; nor
- Prepare certain legal documents that have not been approved by the LLLT Board.

How Do I Find a Legal Technician?

Washington is the first state in the country to offer this affordable legal support option. However, as of 2016 few Legal Technicians have been licensed. *For more information, including updates on who is licensed to practice, see the Washington State Bar Association listed under “Limited Licensed Legal Technicians” in Resources at the end of this section.*

Pro Se Representation

Can I Represent Myself?

You have a right to represent yourself in legal matters. Representing yourself is called “pro se representation.” It is almost always better to find a lawyer, if possible, but there is help if you must represent yourself.

Small Claims Court is a part of the district court and is designed for people to represent themselves. If you are suing for money only, up to \$5,000, you can use Small Claims Court. *See Resources at the end of this chapter.*

Otherwise, you can find self-help materials for many types of cases on the Washington Law Help website. Self-help materials help you find the proper forms, fill them out correctly, and follow court procedures. *See Resources at the end of this chapter.*

Alternative Dispute Resolution

What Is Alternative Dispute Resolution?

Alternative dispute resolution (sometimes called ADR) means solving disputes outside of court, usually through mediation or arbitration. Mediation is voluntary; that is, you can offer to mediate, but you can't

force the other party to participate. Arbitration is often required in the terms of a contract. In both cases, a person who is not involved in the case and who has been trained to help people come to an agreement will work with you. Alternative dispute resolution is often quicker and less expensive than going to court and both sides often find it more satisfying. You may still want to talk to a lawyer before the mediation or have a lawyer draft the final agreement. *For more information, see the Northwest Justice Project publication “Mediation: Should I Use It?” listed under “Alternative Dispute Resolution” in Resources below.*

Resources

Alternative Dispute Resolution

- *Alternative Dispute Resolution Guide*, by the Public Law Library of King County
Online: www.kccll.org/guides/alternative-dispute-resolution-guide
- Dispute Resolution Centers: Provide low-cost mediation services.
Online: www.resolutionwa.org/dispute-resolution-centers/ (to find a center in your area)
- *Mediation: Should I Use It?*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on “Representing Yourself” (listed under “More Issues” below the main topics), then “Resolving disputes”

Legal Advice

- King County Bar Association Neighborhood Legal Clinics: For people in King County or with a case in King County.
By phone: 206-267-7070, to schedule an appointment at a clinic
Online: www.kcba.org/pbs/NLC.aspx (for a list of clinics and services)
- Moderate Means Program: A Washington State Bar association program covering family law, consumer issues, and housing law issues. Discounted fees for qualifying middle- to low-income people.
By phone: 1-855-741-6930
Online: www.wsba.org/The-Public; click on “Moderate Means Program,” then “Potential Clients”
- Northwest Justice Project hotlines:
 - CLEAR*^{Sr}: For people 60 years or older; provides legal advice and referral by phone regarding civil legal issues.
By phone: 1-888-387-7111 (toll-free); TTY: 1-800-833-6384 (toll-free); Monday through Friday, starting at 9:15 AM, to leave a message for a call back
 - CLEAR: For low-income people outside King County; provides legal advice and referral by phone, regarding civil legal issues (People in King County, call 2-1-1).
By phone: 1-888-201-1014 (toll-free); TTY: 1-800-833-6384 (toll-free); Monday through Friday, 8 AM to 6 PM (interpreters available)
Online: <http://nwjustice.org/clear-online> (apply online for a call back)

Legal Information and Referral

- Court directory: List of contact information for Superior Courts in Washington.
By phone: 4-1-1 (or find number online)
Online: www.courts.wa.gov/court_dir/?fa=court_dir.county
- FindLaw.com: Washington's case law, code, local rules forms, and more.
Online: www.findlaw.com/casecode/washington.html
- Lawyer referral services:
 - Clark/Cowlitz County Lawyer Referral: 360-695-0599
 - King County Bar Association Lawyer Referral: 206-267-7010
 - Kitsap County Lawyer Referral: 360-373-2426
 - Lewis County Bar Association Lawyer Referral: 360-748-0430
 - Pierce County Lawyer Referral: 253-383-3432
 - Snohomish County Lawyer Referral: 425-388-3018
- Legal Voice publications:
Online: www.legalvoice.org; click on "Tools & Resources," then "Lawyers & the Legal System"
 - *How to Find a Lawyer and Other Legal Resources in Washington State*
 - *Interpreters for People with Limited English Proficiency (LEP)*
 - *The Right to Aids and Services for Deaf and Hard of Hearing people in Washington's Legal System*
 - *Working with a Lawyer*
- Municipal Research & Services Center's legal research service: State, county, city, and administrative codes and case law.
Online: www.mrsc.org/Research-Tools.aspx
- Washington Information Network 2-1-1: Referral to legal services for low-income King County residents.
By phone: 2-1-1, or 206-461-3200 (King County); or 1-800-621-4636 (toll-free) (King County);
TTY: 1-800-833-6384 (toll-free); Monday through Friday, 8 AM to 6 PM (interpreters available)
Online: www.win211.org
- WashingtonLawHelp.org: For people in Washington or with legal issues in Washington, this website offers legal information and self-help packets in many areas of law. The site is also available in Spanish, and many publications are available in multiple languages.
Online: www.washingtonlawhelp.org
- Visit your County Law Library in your Superior Courthouse for additional resources, or visit one of these websites:
 - Clark County Law Library: www.clark.wa.gov/law-library
 - King County Law Library: www.kcll.org
 - Kitsap County Law Library: www.kitsaplawlibrary.com
 - Pierce County Law Library: www.co.pierce.wa.us/index.aspx?nid=232

- Snohomish County Law Library: www.snohomishcountywa.gov/196/Law-Library
- Spokane County Law Library: www.spokanecounty.org/1086/Law-Library
- Whatcom County Law Library: www.co.whatcom.wa.us/lawlib

Limited Licensed Legal Technicians

- Washington State Bar Association: Information and frequently asked questions about LLLTs.
By phone: 206-727-8289
By email: LLLT@wsba.org
Online: www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians

Legal Resources for Asian Americans

- Asian Counseling and Referral Service, Seattle: Coordinates appointments for the International District Legal Clinic. Provides information and referral on medical, legal, financial, housing, and transportation issues, and offers naturalization classes and education on immigration issues.
By phone: 206-695-7600 or 206-695-7595; TTY: 206-695-7609
Online: <http://acrs.org/legal-clinic/>
- Korean Women's Association, Western Washington: Provides referrals to volunteer lawyers and to agencies for low-income non-English speakers, with services available in many languages.
By phone: 253-535-4202 or 1-888-508-2780 (toll-free)
Online: www.kwacares.org

Legal Resources for Native Americans

- Northwest Justice Project Native American Unit: Legal advice and referral by phone regarding education discrimination, Indian health care, Indian Child Welfare Act, trust land and resources, and Indian estates and probate; sometimes provides negotiation.
By phone: 1-888-201-1014, ext. 5 (toll-free)
- Seattle Indian Health Board: Resource Advocates are available during clinic hours to provide information about Medicaid (Apple Health), Medicare and Social Security. If you need assistance enrolling in a public health insurance plan, they can help you. Resource Advocates can also help identify resources for other needs, such as food, clothing and transportation.
By phone: 206-324-9360
By email: info@sihb.org
Online: www.sihb.org
- Seattle University School of Law Center for Indian Law and Policy
By phone: 206-398-4284
By email: CILP@seattleu.edu
Online: www.law.seattleu.edu/Centers_and_Institutes/Center_for_Indian_Law_and_Policy.xml
- University of Washington School of Law Native American Law Center
By phone: 206-685-3253
By email: nalc@uw.edu
Online: www.law.washington.edu/IndianLaw/default.aspx?vw=mission

- Urban Indian Legal Clinic in Tacoma: Open to all Native Americans with any civil legal issue. Clinic is open on the 2nd Wednesday of each month, noon to 1:30 p.m. Call for an appointment.
By phone: (253) 572-5134

Legal Resources for Lesbian/Gay/Bisexual/Transgender/Intersex People

- The QLaw Foundation GLBT Legal Clinic offers a free 30-minute consultation with a volunteer lawyer. The clinic is held on the 3rd Thursday of each month from 7:00-9:00 PM. Consultations are by appointment only.
By phone: 206-235-7235 (to make an appointment)
Online: www.qlawfoundation.org/lgbtq-legal-clinic.html
- *Planning with Purpose: Legal Basics for LGBT Elders*, by the National Center for Lesbian Rights
By phone: 415-392-6257
By email: info@nclrights.org
Online: www.nclrights.org/wp-content/uploads/2013/04/Resources_Planning_with_Purpose.pdf
- National Resource Center on LGBT Aging, SAGE
By phone: 212-741-2247
By email: info@lgbtagingcenter.org
Online: www.lgbtagingcenter.org/resources/
- *Take the Power; Tools for Life and Financial Planning*, by Lambda Legal
By phone: 213-382-7600 (western region) or 1-866-542-8336 (toll-free)
Online: www.lambdalegal.org/publications/take-the-power

Legal Resources for Spanish Speakers

- King County Bar Association Bilingual Spanish Clinic: Free, walk-in clinic offering legal consultation for Spanish speakers in King County. Wednesdays, 5:30-7:30 PM (appointments assigned by lottery at 5:00 PM).
Location: Sound Generations, 2208 2nd Ave., Seattle
- Latina/o Bar Association Legal Clinic: Free legal consultation for Spanish speakers in King County. The clinic is held on the 2nd Monday of each month from 6:00-8:00 PM. Walk-ins only.
By phone: 206-622-8000 (for more information)
Location: El Centro de la Raza, 2524 16th Ave. S, 3rd Floor, Seattle
Online: www.lbaw.org/Clinica

Legal Resources for People with Disabilities

- Disability Rights Washington (DRW): Legal services, information, and referral for victims of disability discrimination or violation of rights, with a focus on major cases that will improve service systems. Self-help materials on website, including special education, employment discrimination, guardianship, health care complaints, housing discrimination, involuntary mental health treatment, representative payees, service animals, and voting rights.
By phone: 206-324-1521 or 1-800-562-2702 (toll-free); TTY: 7-1-1
Online: www.disabilityrightswa.org

Legal Services for Veterans

- Northwest Justice Project's Veterans Project: Provides legal advice, representation, and referrals on a variety of civil legal issues, including: child support; vacating criminal records; consumer issues; housing issues; veteran's and other public benefits; and discharge upgrades. For all other issues, contact CLEAR (under "Legal Advice" in this chapter's resource list).
By phone: 1-855-NJP-VETS (855-657-8387)
Online: <https://nwjustice.org/veterans>
- Stateside Legal: Legal information and referral for military members, veterans, and their families.
Online: www.statesidelegal.org

Representing Yourself

- *An Introduction to Small Claims Court*, by Washington Courts
Online: www.courts.wa.gov; click on "Resources," then "Small Claims Court" under "Informational Brochures"
- Family Law Facilitators: Most Superior Courts have a court facilitator to help people who are representing themselves in family law cases.
Online: www.courts.wa.gov/court_dir/?fa=court_dir.facils (to find your facilitator's telephone number)
- *Small Claims Court in Washington State*, by Northwest Justice Project
Online: www.washingtonlawhelp.org; click on "Consumer & Debt," then "Small Claims Court"
- Office of Administrative Hearings: Information about administrative hearings (such as unemployment, public assistance/DSHS, public education), including videos to help you prepare.
Online: www.oah.wa.gov
- *Preparing For Your Day in Court: A Handbook to Self-Representation in the King County Superior Courts*, by Sophia Salazar Rubio
In print: Available at the King County Law Library (library call number KF 884o.R83 2010)
Online: www.kcba.org/publications; click on "2010 Pro Se Handbook (PDF)"
- Small Claims Court: Part of your District Court system.
Online: www.courts.wa.gov/court_dir/?fa=court_dir.county (to find your District Court website)
- *Also see listings under "Legal Information and Referral" in this chapter's resource list.*



CHAPTER 15

Other Resources

This chapter lists other resources for caregivers and for social services, government benefits, and Internet access.

Caregivers

Below are some resources for caregivers. Whether you are caring for a child, a parent, or both, you deserve the thanks of the community – and help. *If you need time off work to care for a family member, see “Family Leave” in the Employment chapter of this Handbook. Also see the information under “Caregivers” as well as the resources listed in the Long-Term Care chapter of this Handbook.*

General Resources for Family Caregivers

- Caregiver Action Network: Offers information, tips, and resource lists.
Online: www.caregiveraction.org
- Caring.com: Original articles, helpful tools, advice from experts, and a directory of caregiving services.
Online: www.caring.com
- The IlluminAge Resource Guide: An online resource guide for seniors and family caregivers.
Online: <http://resources.illuminage.com>; click on “Family and Caregivers”
- Lifespan Respite Washington: Offers information and resources for family caregivers in Washington needing respite care.
By phone: 206-281-5700 ext. 108 or 1-800-678-5708 (toll-free)
By email: lporter@wa.easterseals.com
Online: www.lifespanrespitewa.org/find-respite-care/elders

Caring for an Adult

- AARP’s “Caregiving Resource Center”: This website from AARP offers information, tools, and tips for caregivers, including advice on stress management and caregiver support. (Also see the AARP publication *Prepare to Care*, listed separately on page 327)
By phone: 1-888-687-2277 (toll-free); TTY: 1-877-434-7589 (toll-free); Spanish 1-877-627-3350 (toll-free)
Online: www.aarp.org/home-family/caregiving

- Alzheimer’s Association’s “Caregiver Center”: Extensive resources including Community Resource finder, Safety & Daily Care, Care Options, and Financial & Legal Planning for those with Alzheimer’s and their caregivers.
By phone: 1-800-272-3900 (toll-free) (24/7 Helpline)
Online: www.alz.org/care/overview.asp
- Building Better Caregivers: A Stanford University self-care workshop for caregivers who are caring for veterans and veterans who are caregivers. The veteran must be enrolled in VA health care.
Online: <https://buildingbettercaregivers.org>
- Caregiver Resources from the Aging and Long-Term Support Administration (AL TSA): Offers many caregiver resources and free publications, services, and information.
By phone: 1-800-422-3263 (toll-free); TTY: 1-877-905-0454 (toll-free)
Online: www.dshs.wa.gov/altsa/home-and-community-services/caregiver-resources
- Community Living Connections: Helps people navigate long-term services and supports for you or a loved one. Provides information, referral, and awareness; options counseling and assistance; streamlined eligibility assistance for public programs; and person-centered care transitions supports.
By phone: Call AL TSA and ask for your local CLC office: 1-800-422-3263 (toll free); TTY: 1-877-905-0454 (toll-free)
Online: <https://washingtoncommunitylivingconnections.org/consumer/connect/index.php>
- Eldercare Locator, a public service of the U.S. Administration on Aging connecting you to services for older adults and their families.
By phone: 1-800-677-1116
Online: www.eldercare.gov
- Family Caregiver Alliance (FCA), The National Center on Caregiving: Offers a wealth of information and resources. The section linked below provides you with practical care strategies, stress relief, available community resources, how to handle family issues, as well as hands-on care. Also explore the links under “In this Section,” at right.
Online: <https://caregiver.org/caregiving-issues-and-strategies>
- *Family Caregiver Handbook*, by AL TSA
By phone: 360-570-5555
By email: fulfillment@prt.wa.gov
Online: www.dshs.wa.gov/altsa/home-and-community-services/caregiver-resources; click on “Basics of Providing Care” under “Providing Day-To-Day Care,” then click on “Caregiver Handbook” under “Caregiver Guides”
- Family Caregiver Support Program (FCSP): Offers caregiver training and counseling, caregiver support groups, respite care for caregivers, and other services for free or at low cost to unpaid caregivers in Washington State. FCSP is a program of the Aging and Long-Term Support Administration (AL TSA), and operated by one of the 13 state-wide Area Agencies on Aging (AAA’s).
By phone: Call AL TSA and ask for your local FCSP: 1-800-422-3263 (toll-free); TTY: 1-877-905-0454 (toll-free)
Online: www.dshs.wa.gov/altsa/resources; select your county from the drop-down menu for a list of services in your area, including your local FCSP

- Medicare: Offers a caregiver resource kit as well as the following pamphlets:
Online: www.medicare.gov/campaigns/caregiver/caregiver.html
 - *What every caregiver needs to know*
 - *What does Medicare cover?*
 - *Caring for someone with a chronic illness*
 - *Planning for the future*
 - *What caregiver support is available in my area?*
 - *Taking care of yourself*
- Next Avenue: A nonprofit media organization providing news, information, and advice for older adults and caregivers.
Online: www.nextavenue.org; click on “Caregiving” in the menu at the top of the page
- *Prepare to Care: A Caregiving Planning Guide for Families*, by AARP
By phone: 1-888-687-2277 (toll-free); TTY: 1-877-434-7589 (toll-free); Spanish 1-877-627-3350 (toll-free)
Online: www.aarp.org/home-family/caregiving/info-07-2012/prepare-to-care-planning-guide.html
- Publications by Vicki L. Schmall and Sally Bowman:
 - *Aging Parents: Helping When Health Fails*: Provides general guidelines for dealing with age-related changes in parents or other relatives. Focuses on how to plan for age-related changes, cope with feelings and stress, and communicate with an aging person who requires care.
Online: ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/20723/pnw246.pdf
 - *Coping with Caregiving: How to Manage Stress When Caring for Older Relatives*: Designed to help caregivers maintain their personal well-being while providing quality care for an elderly relative.
Online: ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/20718/pnw315.pdf
 - *Helping Memory-impaired Elders: A Guide for Caregivers*: Discusses the causes of dementia and how to cope with a progressive dementing illness, respond to dementia-caused difficult behaviors, and communicate with a memory-impaired person. Provides guidelines for effective caregiving and for self-care for the caregiver.
Online: <https://catalog.extension.oregonstate.edu/pnw314>
- SAGE (Services and Advocacy for GLBT Elders), Olympia, WA, chapter: SAGE is a national organization dedicated to LGBT elders and their caregivers. The SAGE Olympia group promotes the wellness of LGBT elders and caregivers in the Thurston County area with referrals, services and advocacy.
By phone: 1-360-602-1204
Online: www.sageolympia.org
- Senior Information & Assistance (I & A): Contact your local Senior I & A anytime you have a question or concern about getting help for an adult 60 or older or for anyone providing unpaid care for that adult.
By phone: Call DSHS and ask for your local Senior I & A office: 1-800-737-0617 (toll free)
Online: www.dshs.wa.gov/altsa/resources (this resource list includes contact information for many agencies and services in each county of Washington State, including Senior I & A)
- *The Complete Legal Guide to Senior Care*, by Brette McWhorter Sember (2008)
In print: Available for free through your public library (or an interlibrary loan) or for purchase from most major booksellers.
Online: Available in eBook form from most major online booksellers.

- *Understanding Your CARE Assessment Tool*, by DSHS: A helpful resource for caregivers. Information about the Comprehensive Assessment Reporting Evaluation to assess how many in-home personal care hours a person qualifies for.
Online: www.washingtonlawhelp.org; click on “Seniors,” then click on “Long-Term Care Assistance”

Caring for an Adult with Alzheimer’s/Dementia

- *Also see the listings under “Caring for an Adult” earlier in this chapter.*
- Alzheimer’s Association/ El Portal del Noroeste Project: helps Latino/Hispanic communities learn in a culturally and language appropriate manner about memory loss, treatments, caregiver self-care, and ways to deal with this devastating disease.
Online: www.alz.org/espanol/overview-english.asp
- *Caring for a Person with Alzheimer’s Disease: Your Easy-to-Use Guide*, by the National Institute on Aging: This free guide helps caregivers understand and cope with the many challenges of caregiving. Among other topics, it offers tips for caregivers to address their physical, emotional, and spiritual needs. It lists specific ways to ask for help.
By phone: 1-800-438-4380 (to order a free copy)
Online: www.nia.nih.gov/alzheimers; click on “Publications” and then on “Caregiving” to order or view online.
- DSHS Aging and Long-Term Support Administration (AL TSA): Information on caring for persons with Alzheimer’s/dementia.
Online: www.altsa.dshs.wa.gov/caregiving/alzheimer.htm
- National Institute on Aging: Information, tips, and resources on caring for persons with Alzheimer’s.
Online: www.nia.nih.gov/alzheimers/topics/caregiving

Caring for a Child

- DSHS Children’s Administration: Information from DSHS on services for foster parents and relatives caring for a child.
Online: www.dshs.wa.gov/ca/foster-parenting
- *See the “Grandparents and Grandchildren” section of the Family Relationships chapter in this Handbook.*

Government Benefits

- Washington Connection: Check eligibility and apply for many federal, state, city, and local government benefits.
Online: www.washingtonconnection.org
- PeoplePoint: Information and assistance with applying for City of Seattle benefits.
By phone: 206-684-0355
By email: PeoplePoint@seattle.gov

- Government Benefits Website: Official U.S. government website that informs citizens of benefits for which they may be eligible and provides information on how to apply for assistance. Topics include counsel/counseling, disability assistance, energy assistance, food/nutrition, health care, housing, insurance, living assistance, loan/loan repayment, Medicaid/Medicare, Social Security, tax assistance, and veterans.
Online: www.benefits.gov
- National Council on Aging Benefits Checkup: Online screening tool designed for seniors. A confidential questionnaire determines eligibility for 1300 different federal, state, and private benefit programs that assist with the cost of prescription medications, health care, housing, energy, and other essentials.
Online: www.benefitscheckup.org

Internet Access

- Libraries in Washington State: A directory of Washington libraries, brought to you by the Office of the Secretary of State. In general, public libraries have free public computers with Internet access, and provide free Internet access to people who bring their own devices (laptop, tablet, smart phone, etc.). Internet access may be time-limited.
Online: www.sos.wa.gov/library/search/
- Washington Information Network 2-1-1: Tells you where to find Internet access in your area.
By phone: 2-1-1 or 1-877-211-WASH (9274) (toll-free); TTY: 1-800-833-6384 (toll-free); Monday through Friday, 8 AM to 6 PM (interpreters available)
Online: www.resourcehouse.com/WIN211/keyword_search.aspx; using the keyword search function, search for “public Internet access sites”

Social Services

If you need help finding other social services, these are good places to start looking for help near where you live.

General Assistance

- Washington Community Action Partnership: These offices provide services for low-income people, including food banks, family financial counseling, energy assistance, and literacy tutoring. A list and a map of these agencies in Washington is available.
Online: www.wapartnership.org/caps.php

General Information and Referral

- Washington Information Network 2-1-1: Community information lines provide referral to social services in Washington State.
By phone: 2-1-1 or 1-877-211-WASH (9274) (toll-free); TTY: 1-800-833-6384 (toll-free); Monday through Friday, 8 AM to 6 PM (interpreters available)
Online: www.win211.org

- Senior Information and Assistance: DSHS Aging and Long-Term Support Administration has a list of Senior Information and Assistance services in each county.
Online: www.altsa.dshs.wa.gov/Resources/clickmap.htm

Senior Centers (Provide meals, classes, entertainment, and information)

- Washington State Association of Senior Centers: Has a partial list of senior centers in Washington.
Online: www.wsasc.org/pages/seniorcenters.html
- Pierce County Community Connections: List of Senior Centers in Pierce County.
Online: www.co.pierce.wa.us/index.aspx?NID=650
- Sound Generations: Lists Senior Centers in King County.
Online: <http://seniorservices.org/ConnectWithUs/SeniorCenters.aspx>

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