

WSR 24-09-073
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed April 16, 2024, 8:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-18-013.

Title of Rule and Other Identifying Information: WAC 110-148-1326

Can I get a license to care for a specific child, and what are the requirements?

Hearing Location(s): On May 21, 2024, telephonic. Make oral comments by calling 360-972-5385 and leaving a voicemail that includes the comment and an email address or physical mailing address where the department of children, youth, and families (DCYF) will send its response. Comments received through and including May 21, 2024, will be considered.

Date of Intended Adoption: May 22, 2024.

Submit Written Comments to: DCYF Rules Coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by May 21, 2024.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-522-3691, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by May 14, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 110-148-1326 does not currently give DCYF the authority to issue child-specific licenses to an Indian child's family or extended family member with children in the custody of an Indian tribe or the tribe's child placing agency. This authority is now required by SB 5683.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: SB 5683; RCW 74.15.125.

Statute Being Implemented: SB 5683; RCW 74.15.125.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Ann Radcliffe, 253-341-2325; Implementation and Enforcement: DCYF, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328 (5)[(a)](i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is fully exempt.

April 16, 2024
Brenda Villarreal
Rules Coordinator

OTS-5350.1

AMENDATORY SECTION (Amending WSR 22-16-028, filed 7/25/22, effective 8/25/22)

WAC 110-148-1326 Can I get a license to care for a specific child, and what are the requirements? (1) Pursuant to RCW

74.15.125(7), the department may issue a child-specific license to:

(a) Relatives or suitable persons, as defined in RCW 13.36.020, to provide foster care services to a ((specified)) specific child and that child's siblings or relatives in the department's care and authority((-

-a) These)); or

(b) An Indian child's family or extended family members, as defined in RCW 13.38.040, or suitable persons, as defined in RCW 13.36.020, to provide foster care services to a specific Indian child and that child's siblings or relatives in the custody of an Indian tribe, as defined in RCW 43.376.010, or the tribe's child placing agency.

(2) Placements of children in the care and authority of the department are at the discretion of the department.

((b)) (3) Licensees under this section may only receive placement of one or more specific children identified prior to the issuance of a license.

((2)) (4) The department must reassess licenses issued under this section when licensees want to:

(a) Add a child to their child specific license and that child was not identified prior to licensure; or

(b) Receive a general foster family home license.

((3)) (5) Reassessment under subsection ((2)) (4) of this section may require licensees to give up their current child specific licenses, complete new or additional training, or submit new licensing applications as a condition of receiving new or different licenses.

((4)) (6) Licensees under this section must meet the licensing requirements detailed in RCW 74.15.030(2) and this chapter.

((5)) (7) A child-specific license does not grant licensees the right to:

(a) Have a specific child placed in their care; or

(b) Be a party in any juvenile court proceeding under chapter 13.34 RCW.