

# Chapter 388-826 WAC

## VOLUNTARY PLACEMENT PROGRAM

### WAC

388-826-0001	What is the purpose of the voluntary placement program?
388-826-0005	Definitions.
388-826-0010	Who is eligible for the voluntary placement program?
388-826-0015	Who else may be eligible to participate in the voluntary placement program?
388-826-0020	How does the family, whose child is a client of DDD request access to the VPP?
388-826-0025	What is the process for a child or youth who transfers from children's administration to get into the VPP?
388-826-0030	How is a decision made for out-of-home placement?
388-826-0035	How is a decision made regarding participation in the voluntary placement program?
388-826-0040	What is a voluntary placement agreement?
388-826-0045	What happens after a voluntary placement agreement is signed, what are the legal issues and who is responsible?
388-826-0050	Is there an ongoing court process when the child is in out-of-home placement and how does the process work?
388-826-0055	What basic services may a child receive from the voluntary placement program?
388-826-0060	Are there other services a child may receive in this program?
388-826-0065	What can parents expect if they use in-home supports under this program?
388-826-0070	What is the responsibility of the department for the child who is in out-of-home care?
388-826-0075	What are the responsibilities of the parents when their child receives services in the voluntary placement program?
388-826-0077	Are there limits to the respite care I can receive if I receive voluntary placement services?
388-826-0080	What are the expectations for parents when their child is in out-of-home care?
388-826-0085	What other DDD services are available for a child through the voluntary placement program?
388-826-0090	What does a parent do with the child's Social Security benefits when the parent's child lives outside the parent's home?
388-826-0095	Who pays for a child's care when a child is in out-of-home placement?
388-826-0129	What are the residential settings that DDD uses to provide voluntary placement program services?
388-826-0130	How does DDD determine the rate that is paid to support a child in a licensed foster home?
388-826-0135	When does DDD administer the foster care rate assessment tool?
388-826-0136	How often does DDD administer the foster care rate assessment tool?
388-826-0138	What questions are asked in the foster care rate assessment tool and how are the licensed foster home provider's answers scored?
388-826-0145	How does DDD determine the foster care level from the raw score?
388-826-0150	What happens if the level assigned to the child changes?
388-826-0160	What limitations exist on administrative hearings regarding foster care payments in VPP?
388-826-0170	How are rates for licensed staffed residential homes determined in VPP?
388-826-0175	How does DDD determine the rate that is paid to support a child in a licensed group care facility?
388-826-0200	What happens if the voluntary placement ends?
388-826-0210	When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends?
388-826-0220	Will a child or youth continue to receive special education or early intervention services while in VPP?
388-826-0230	What happens after a youth turns eighteen?
388-826-0240	What happens if a parent disagrees with a decision made by DDD?

388-826-0250 Does DDD make exceptions to the requirements in this chapter?

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

388-826-0100	What happens if the voluntary placement ends? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0200.
388-826-0105	When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0105, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0210.
388-826-0110	Will a child or youth continue to receive special education or early intervention services while in VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0110, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0220.
388-826-0115	What happens after a youth turns eighteen? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0230.
388-826-0120	What happens if a parent disagrees with a decision made by DDD? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0240.
388-826-0125	Does DDD make exceptions to the requirements in this chapter? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0125, filed 10/31/02, effective 12/1/02.] Decodified by WSR 06-01-107, filed 12/21/05, effective 12/21/05. Recodified as § 388-826-0250.
388-826-0140	What areas are covered in the foster care assessment? [Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0140, filed 1/31/06, effective 3/2/06.] Repealed by WSR 07-15-003, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 74.13.750.

**WAC 388-826-0001 What is the purpose of the voluntary placement program?** The purpose of the voluntary placement program is to:

(1) Support the optimal growth and development of the child or youth in out-of-home placement. The sole reason for the out-of-home placement is the child's developmental disability. Services are offered by DSHS/DDD through a voluntary placement agreement. Parents retain custody of their child or youth.

(2) Support the child and family with a shared parenting arrangement through the use of licensed foster care providers.

(3) Complement other public and private resources in providing supports to the child and family.

(4) Encourage the relationship between the child and parents, even when the child or youth is not living in their own home.

(5) These rules are adopted under the authority of RCW 74.13.350.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0001, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0005 Definitions. "Best interest"** includes, but is not limited to:

- (1) Prevent regression or loss of skills already acquired;
- (2) Achieve or maintain self-sufficiency;
- (3) Provide the least restrictive setting that will meet the child's/youth's medical, social, developmental and personal needs;
- (4) Benefits the medical, personal, social and developmental needs of the child/youth;
- (5) Maintains family relationships.

**"Child or youth"** means an individual who is eligible for division services per RCW 71A.16.040 and chapter 388-825 WAC, is less than eighteen years of age and who is in the custody of a parent by blood, adoption or legal guardianship.

**"Client or person"** means an individual is eligible for division services per RCW 71A.16.040 and WAC 388-825-030.

**"Community support services"** means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, social work, early childhood intervention, employment, family counseling, respite care, information and referral, health services, legal services, therapy services, residential services and support, transportation services, and vocational services.

**"Department"** means the department of social and health services of the state of Washington.

**"Director"** means the director of the division of developmental disabilities.

**"DDD"** means the division of developmental disabilities of the department of social and health services.

**"Emergency"** means a sudden, unexpected occurrence demanding immediate action.

**"Exemption"** means the department's approval of a written request for an exception to a rule in this chapter.

**"Family"** means individuals of any age, living together in the same household related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

**"Foster care provider"** means the individual person licensed by the DSHS, children's administration, division of licensed resources (DLR) (chapter 388-148 WAC) to provide foster care in the person's home; or a group care agency licensed by DLR to provide foster care for an individual in a group facility or staffed residential setting.

**"In the voluntary placement program the legal status of the child"** means that the child is in legal custody of the biological or adoptive parent(s) or legal and custodial guardian.

**"The judicial determination and review"** means a process that occurs in court and its purpose is to affirm that out-of-home placement is in the best interest of the child. The parent is notified of the court date and may appear in court with the child's DDD social worker.

**"Out-of-home placement"** means a DLR licensed home, a licensed group care facility or another licensed setting.

**"Parent"** means the individual who is the biological or adoptive person or legal custodial guardian who has legal responsibility for and physical custody of the child.

**"Shared parenting"** means biological or adoptive parents or legal guardians and foster care providers share responsibilities. Responsibilities are for the physical and emotional care, education and medical well-being of child/youth who meets DDD eligibility criteria and who is in a voluntary out of home placement as is described in the shared parenting agreement.

**"Shared parenting plan"** means a written plan among the parent, a foster care provider and DDD, with the expectation of sharing responsibilities for care of a child/youth, including exchanging information on a routine basis about medical, education, daily routines and special situations in the life of the child/youth.

**"Voluntary out-of-home placement"** for a child who is eligible for DDD services means:

(1) When a parent and the division of developmental disabilities (DDD) agree that it is in the best interest of the child to reside out of the home of the parents;

(2) The placement is solely due to the child's disability;

(3) There are no unresolved issues of abuse and neglect;

(4) When the parent or custodial and legal guardian and division sign a voluntary placement agreement; and

(5) When a child lives more than fifty percent of her/his life in a licensed setting that is other than in the parents' home. The setting may be a licensed foster family home, group care facility, or staffed residential home as licensed under chapter 74.15 RCW.

**"Voluntary placement agreement,"** as used in this section, means a written agreement between the department and a child's parent or legal guardian authorizing the department to place the child in a licensed facility.

**"Written request for out-of-home placement"** means a written request signed by the custodial parent requesting out-of-home placement for the child or youth under eighteen years of age.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0005, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0010 Who is eligible for the voluntary placement program?** Children who:

(1) Are determined eligible for DDD services under RCW 71A.16.040;

(2) Are under eighteen years of age when the request for services through VPP is made;

(3) Have no unresolved issues of abuse or neglect pending with DSHS children's administration;

(4) Are in the legal and physical custody of their parent or legal guardian; and

(5) The request is made solely due to the child's disability RCW 74.13.350 and parents have used all other appropriate services for their child through DDD.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0010, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0015 Who else may be eligible to participate in the voluntary placement program?** Within available resources:

(1) Children or youth who are eligible for DDD services per RCW 71A.16.040, may transfer from children's administration, as long as they are under eighteen years of age, in a

stable guardianship, and have no unresolved issues of abuse or neglect pending with children's administration.

(2) Youth who turn eighteen while in the VPP and reside in a DLR licensed setting, may continue to participate in VPP until age twenty-one as long as her/his placement remains in tact and does not disrupt and she/he remains in school until graduation or reaches age twenty-one, whichever comes first (see WAC 388-826-0115).

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0015, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0020 How does the family, whose child is a client of DDD request access to the VPP?** Parents must make a written request for voluntary out-of-home placement services (DSHS 10-277) for their child to their DDD case resource manager. The request is considered when the following criteria are met:

- (1) The child is under eighteen years of age;
- (2) The placement is due solely to the child's disability;
- (3) The family is currently using some DDD services or is on the list for services;
- (4) There are available funds for the VPP;
- (5) There are no issues of abuse and neglect; and
- (6) The custodial parent and the division of developmental disabilities (DDD) agree that it is in the best interest of the child to reside outside of the parent's home.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0020, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0025 What is the process for a child or youth who transfers from children's administration to get into the VPP?** (1) At the regional level, a staffing occurs. It involves DDD and DCFS social workers and supervisors, and any other agency representatives who have knowledge of the child or youth's issues.

(2) At the staffing the participants discuss the criteria outlined in WAC 388-826-0010 and 388-826-0015.

(3) Within available resources and when appropriate criteria are met, social workers determine the appropriateness of the transfer of the child's case from one administration to the other.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0025, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0030 How is a decision made for out-of-home placement?** A parent makes a written request for out-of-home placement, to her/his child's case manager. Prior to a decision for out-of-home placement, a staffing is held. The purpose of the staffing is to determine whether all other available and appropriate services have been used or could be used by the family. The parents, the DDD case manager, the DDD social worker, and/or resource developer and where appropriate, DCFS social worker may participate in staffings.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0030, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0035 How is a decision made regarding participation in the voluntary placement program?**

(1) A decision regarding participation in VPP is based on the premise that all available DDD services to the child and fam-

ily have been used and that out-of-home placement is in the best interest of the child and that the placement is due solely to the child's disability;

(2) There are funds available in VPP;

(3) Through a staffing, the family's DDD case resource manager, VPP supervisor and VPP social worker, and any other person who can provide useful information, discuss the services used, and share information and resources regarding the needs of the family and child;

(4) DDD and the parents must be in agreement about the need for out-of-home placement and that the request fits the criteria for the program. When both parties are in agreement, a written voluntary placement agreement is signed by the parent and DDD representative:

(a) If there are no funds available, parents may sign a request for out-of-home placement (DSHS 10-277);

(b) When it is determined that the request is appropriate, the child or youth is eligible for out-of-home placement, there are available funds and there is a placement, the agreement is signed and the child's file is transferred to a DDD social worker in the voluntary placement program;

(c) If there are funds available, the consideration for out-of-home placement continues. The name of the child/youth is placed on the VPP data base for consideration of placement outside the home.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0035, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0040 What is a voluntary placement agreement?** It is a mutually voluntary and written document between the parent and the department. It must be signed by the child's parent and the DSHS/DDD representative to be in effect. An agreement regarding a Native American child is not valid unless executed in writing before the court and filed with the court as provided in RCW 13.34.130. Any party to the voluntary placement agreement may terminate the agreement at any time. When one party ends the agreement, per the VPA, the voluntary agreement is ended.

The agreement authorizes DSHS/DDD to facilitate a placement for the child who is under eighteen years of age in a licensed facility. Under the term of the agreement, the parent retains legal custody. DSHS/DDD is responsible for the child's placement and care. The agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0040, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0045 What happens after a voluntary placement agreement is signed, what are the legal issues and who is responsible?** When the DDD social worker facilitates the placement of a child in a licensed out-of-home care arrangement, under a DDD voluntary placement agreement, the department has the responsibility for the child's placement and care. The department shall:

(1) In conjunction with the parents, develop an individual services plan for the child no later than sixty days from the date that the department assumes responsibility for the child's placement and care;

(2) Develop a shared parenting plan with foster care providers and parents;

(3) Obtain a judicial determination, within one hundred eighty days of placement, in accordance with RCW 13.34.030 and 13.34.270 that the placement is in the best interest of the child;

(4) Attend the permanency planning hearing reviews where a review of the child's out-of-home placement determines if it continues to be in the best interest of the child to continue the out-of-home placement;

(5) Make a face-to-face visit with the child and visit with the child in their licensed placement, every ninety days;

(6) Facilitate a judicial review at one hundred eighty days and annually thereafter, unless the child's placement ends before one hundred eighty days have elapsed;

(7) Provide for periodic administrative reviews of the child's case, unless a judicial review occurs every one hundred eighty days after initial placement.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0045, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0050 Is there an ongoing court process when the child is in out-of-home placement and how does the process work?** The ongoing court process involves the following activities:

(1) When a child is placed in a licensed out-of-home setting, within one hundred eighty days, the DDD social worker must file an order with the court that says the custodial and legal parent has signed a voluntary placement agreement with DDD and voluntarily requests placement of their child in out-of-home care;

(2) The child's DDD social worker prepares the necessary papers and files them with the court clerk; and

(3) Once a year, the DDD social worker prepares a report that must be presented to the court. It is called an order for continued placement and it describes in the words of the social worker, why the out-of-home placement continues to be in the best interest of the child.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0050, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0055 What basic services may a child receive from the voluntary placement program?** (1) Shared parenting between foster care providers and parents on daily routines;

(2) Medical coverage, under a medical coupon issued from the foster care medical unit (FCMU);

(3) Coordination with special education services in the local school district when the child meets eligibility criteria;

(4) Supervised special activities in the community when appropriate;

(5) Safe, developmentally appropriate care;

(6) Supervision by a DDD social worker who has responsibility for visiting the child/youth at a minimum, every ninety days;

(7) An individual services plan for the child within sixty days from the date that DSHS/DDD assumes responsibility for the child's placement and care;

(8) DDD social worker prepares documents for court, and pursuant to RCW 13.34.030 and 13.34.270 shares the

documents at the court hearings in order to determine that the placement is in the best interest of the child;

(9) Social work services such as needs assessment, referral, service coordination and case monitoring;

(10) Early intervention services: DDD ensures coordination of services for children from birth through thirty-five months of age with early intervention and special education; and

(11) Medically intensive services under WAC 388-531-3000.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0055, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0060 Are there other services a child may receive in this program?** In-home supports may be available to support a child in the parent's home. Approval of in-home support services is based on available funds. The criteria to receive in-home supports when there are available funds are:

(1) Children whose current out of home placement disrupts and who are awaiting new out-of-home placements;

(2) Children whose names are on the data base and whose parents have signed a "request for out-of-home placement."

Service need level for in-home services are evaluated every six months and reviewed every ninety days thereafter. Any reduction in service or denial of services allows the child's family the right to appeal the decision under chapter 388-825 WAC.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0060, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0065 What can parents expect if they use in-home supports under this program?** Within available funds, the child may sometimes receive supports. Supports may be in the form of respite services, specialized behavioral support, and other services that are needed to support the child's continued living arrangement in the parent's home. A person meeting provider qualifications may provide the supports to the child in the home, through a contract with DDD.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0065, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0070 What is the responsibility of the department for the child who is in out-of-home care?** When DDD facilitates an out-of-home placement, DDD is responsible for:

(1) A voluntary placement agreement according to this section;

(2) Monitoring of the child's placement and care;

(3) A permanency plan of care for the child;

(4) A plan that monitors the health, safety and appropriateness of the child's placement at a minimum every ninety days, making face-to-face visits at that time;

(5) The DDD social worker maintains any records as required by court oversight; and

(6) DDD social worker facilitates a needs assessment, individual service plan and a shared parenting plan.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0070, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0075 What are the responsibilities of the parents when their child receives services in the voluntary placement program?** Parents retain custody of their child at all times when the child is receiving services in the voluntary placement program. Parents responsibilities include, but are not limited to, the following:

(1) The right to make all major nonemergency decision about medical care, enlistment in military service, marriage and other important legal decisions for the person under eighteen years of age;

(2) Maintain ongoing and regular contact with the child;

(3) Agree to work cooperatively with their child's DDD social worker and other DSHS staff and persons caring for their child;

(4) Participate in decision making for their child;

(5) Cooperate with DDD in selecting a representative payee for the child's Social Security benefits, received from the Social Security Administration, and which are used for basic maintenance while the child is in out-of-home care;

(6) Agree that if their child's out-of-home placement disrupts, their child will return to the parents physical care until a new placement is developed. The parent's signature on the voluntary placement agreement confirms their understanding of the responsibilities listed in the VPA.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0075, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0077 Are there limits to the respite care I can receive if I receive voluntary placement services?** The following limitations apply to the respite care you can receive when approved for voluntary placement services:

(1) The DDD assessment will determine how much respite you can receive per chapter 388-828 WAC.

(2) Prior approval by the DDD regional administrator or designee is required:

(a) To exceed fourteen days in a calendar per month for out-of-home respite; or

(b) To pay for more than eight hours in a twenty-four hour period of time for respite care in any setting other than your place of residence.

(3) Respite providers have the following limitations and requirements:

(a) If respite is provided in a private home, the home must be licensed;

(b) The respite provider cannot be the spouse of the foster parent receiving respite if the spouse and the foster parent reside in the same residence;

(c) If you receive respite from a provider who requires licensure, the respite services are limited to those age-specific services contained in the provider's license.

(4) DDD cannot pay for any fees associated with the respite care; for example, membership fees at a recreational facility, or insurance fees.

(5) If you require respite from a licensed practical nurse (LPN) or a registered nurse (RN), services may be authorized as skilled nursing services per WAC 388-845-1700 using an LPN or RN.

(6) Respite cannot replace daycare while your foster parent is at work.

(11/25/09)

(7) Respite cannot replace natural supports available to the child while in foster care. Family members will not be paid to provide respite.

(8) If you reside in a licensed staffed residential home or group care facility, you are not eligible to receive respite care.

[Statutory Authority: RCW 71A.12.010, 71A.12.030, and Title 71A RCW. WSR 09-24-063, § 388-826-0077, filed 11/25/09, effective 12/26/09.]

**WAC 388-826-0080 What are the expectations for parents when their child is in out-of-home care?** Parents are expected to be active in the "shared parenting" plan and continue to be involved in their child's life. The plan is a written agreement between the licensed foster parents or provider caring for the child and the child's parents. It includes:

(1) Responsibilities of legal and foster parents or provider;

(2) Plan for respite;

(3) Emergency procedures;

(4) Planned activities;

(5) Expectations and special considerations; and

(6) Involvement on a regular basis by the parent.

[Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0080, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0085 What other DDD services are available for a child through the voluntary placement program?** (1) When a parent signs a voluntary placement agreement and the child is placed outside the parental home, the child will no longer be eligible for services from the state-funded family support program.

(2) Children living with their parents may receive personal care services provided under chapter 388-71 WAC.

(3) If the child is covered under the DDD core waiver as described in chapter 388-845 WAC, the child will receive the services identified on the plan of care.

[Statutory Authority: RCW 74.13.750. WSR 07-15-003, § 388-826-0085, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0085, filed 1/31/06, effective 3/3/06. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0085, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0090 What does a parent do with the child's Social Security benefits when the parent's child lives outside the parent's home?** (1) When a parent signs a DDD VPA, the DDD social worker shares with the parent a list of representative payee agencies. From the list, parents must select a representative payee for their child's SSI benefits.

(2) Each month, the child's SSI check will be sent to the representative payee. The portion of the check designated for "room and board," the amount that is allowed for basic maintenance while in foster care and when parents are not caring for their child in their own home, is sent to the licensed foster care provider for reimbursement for basic maintenance.

(3) The representative payee sets aside an amount from the child's SSI warrants designated as "client personal incidentals or CPI" and it is entered into a trust account for the child or youth. It is made available for items that are of a direct benefit to the child. The representative payee monitors the account held in trust for the child and notifies the DDD

[Ch. 388-826 WAC p. 5]

social worker when the account is within three hundred dollars of the maximum reserve exemption allowance.

[Statutory Authority: RCW 74.13.350, WSR 02-22-057, § 388-826-0090, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0095 Who pays for a child's care when a child is in out-of-home placement?** State funds, federal funds and the child's SSI, that is used for basic maintenance support the cost of the child's care while the child is in licensed out-of-home placement. The parent is encouraged to continue to support their child with typical activities, e.g., presents, clothing, special items, special outings. Licensed providers who care for the child in a licensed setting will be paid directly through a contract with DDD and according to an established rate structure, established within DDD.

[Statutory Authority: RCW 74.13.350, WSR 02-22-057, § 388-826-0095, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0129 What are the residential settings that DDD uses to provide voluntary placement program services?** DDD voluntary placement program services may be provided in a:

- (1) Licensed foster home;
- (2) Licensed group care facility;
- (3) Licensed staffed residential home; or
- (4) Licensed child placing agency.

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0129, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0130 How does DDD determine the rate that is paid to support a child in a licensed foster home?** DDD determines the rate that is paid to support a child in a licensed foster home by adding:

- (1) The basic foster care room and board rate published annually by children's administration per WAC 388-25-0120.
- (2) The specialized rate identified after administering the foster care rate assessment (FCRA) tool.

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0130, filed 7/6/07, effective 8/6/07. Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0130, filed 1/31/06, effective 3/3/06.]

**WAC 388-826-0135 When does DDD administer the foster care rate assessment tool?** DDD administers the foster care rate assessment tool within thirty days from the date of the child's admission to a licensed foster home.

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0135, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0136 How often does DDD administer the foster care rate assessment tool?** (1) DDD administers the foster care rate assessment tool on an annual basis, between the months of November and February so rates can be updated by April 1 of each year.

(2) DDD does not have to readminister the foster care rate assessment if it was administered within ninety days of February 1.

(3) The FCRA may be readministered if a significant change is reported that affects the child's need for support (e.g., changes in medical condition, behavior, caregiver status, etc.).

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0136, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0138 What questions are asked in the foster care rate assessment tool and how are the licensed foster home provider's answers scored?** The foster care rate assessment tool consists of thirteen questions that are scored by DDD based on discussion between the DSHS representative and the licensed foster home provider.

(1) Daily living: Include the average number of hours per day spent caring for this child beyond what is expected for his/her age on daily living tasks including dressing, grooming, toileting, feeding and providing specialized body care.

Answers	Score
0 to 1	30
2 to 5	91
6 to 9	213
10 to 20	396
Over 20	609

(2) Physical needs: What is the average number of hours per day beyond what is expected for his/her age providing assistance not included in the "daily living" category above? (E.g., wheelchairs, prosthetics, and other assistive devices, dental/orthodontic, communication (speech, hearing, sight), airway management (monitors, ventilators), pressure sores and/or intravenous nutrition).

Answers	Score
0 to 1	30
2 to 5	91
6 to 20	274
Over 20	609

(3) Behavioral needs: What is the average number of hours per day the foster parent(s) will need to spend supporting and supervising the child due to behaviors disorders, emotional disorders, and mental disorders?

Answers	Score
0 to 1	30
2 to 5	91
6 to 13	335
14 to 24	578
Over 24	731

(4) Participation in child's therapeutic plan: Include the average number of hours per week implementing a plan prescribed by a professional related to the child's physical, behavioral, emotional or mental therapy.

(a) Physical therapeutic plan (e.g., meeting with providers, attending therapy or directly giving physical, occupational or post-surgical therapy).

Answers	Score
0 to 1	4
2 to 3	13

Answers	Score
4 to 9	30
10 to 46	65

(b) Participation in emotional/behavioral support plan (e.g., meeting with providers, attending therapy or directly supporting therapeutic plan).

Answers	Score
0 to 1	4
2 to 3	13
4 to 19	48
20 to 60	104
Over 60 hours/week	390

(5) Arranging, scheduling and supervising activities: Indicate the average number of hours per week scheduling appointments and accompanying the child.

(a) Medical/dental (e.g., transporting and waiting for medical services including doctor visits, dental visits, rehabilitation, and therapy visits).

Answers	Score
0 to 1	4
2 to 5	13
6 to 14	39
Over 14 hours/week	82

(b) Community activities (e.g., transporting and waiting during events including recreation, leisure, sports or extra-curricular activities).

Answers	Score
0 to 1	4
2 to 3	13
4 to 7	30
8 to 20	48
Over 20 hours/week	130

(6) House care: Indicate the average number of times per week to repair, clean or replace household items, including medical equipment, over and above normal wear and tear, due to:

(a) Chronic conditions (e.g., lack of personal control resulting in bed-wetting or incontinence, lack of muscle control or unawareness of the consequences of physical actions).

Answers	Score
0 to 1	6
2 to 7	24
8 to 19	58
20 to 38	91
Over 38 times per week	238

(b) Destructive behavior (e.g., lack of emotional control resulting in damage or destruction of property).

Answers	Score
0 to 1	6
2 to 3	15
4 to 9	28
10 to 22	58
Over 22 times per week	162

(7) Development and socialization: Indicate the average number of hours per week to provide guidance and assistance.

(a) Direct developmental assistance (e.g., helping with homework and readiness to learn activities).

Answers	Score
0 to 1	4
2 to 3	13
4 to 11	30
12 to 30	87
Over 30 hours/week	249

(b) Professional interaction (e.g., meeting with teachers, visiting the school either planned or in crisis, speaking on the phone with school personnel, participating in individual education plan development and review).

Answers	Score
0 to 1	4
2 to 3	13
4 to 5	22
6 to 12	30
Over 12 hours/week	82

(c) Socialization and functional life skills (e.g., helping the child build skills, make choices and take responsibility, learn about the use of money, relate to peers, adults and family members and explore the community).

Answers	Score
0 to 1	4
2 to 7	22
8 to 19	56
20 to 60	173
Over 60 hours/week	403

(8) Shared parenting: Indicate the average number of hours per week to work with the birth parents and/or siblings, including assisting in the care of the child during visits, demonstrating care techniques, planning and decision making.

Answers	Score
0 to 1	4
2 to 3	13
4 to 12	30
Over 12	82

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0138, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0145 How does DDD determine the foster care level from the raw score?** The following are the foster care levels based on the range of aggregate scores:

Level	Low Score	High Score
1	0	320
2	321	616
3	617	1501
4	1502	2085
5	2086	2751
6	2752	9999999

A standardized rate for specialized services is assigned to each level one through six. The standardized rate is published by DDD. The rate is paid monthly to the foster parent in addition to the basic rate.

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0145, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0150 What happens if the level assigned to the child changes?** The care needs of all children in foster care will be reassessed annually or more often if a major life change occurs.

(1) A "major life change" is an unexpected, documented change in a child's medical or psychological condition that affects the level of care required.

(2) If the assessed level changes and results in a rate change, the foster parent will receive at least thirty days written notice of the rate change. The notice will include the date that the rate change takes effect.

[Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0150, filed 1/31/06, effective 3/3/06.]

**WAC 388-826-0160 What limitations exist on administrative hearings regarding foster care payments in VPP?** The foster care provider and the parents are not entitled to request an administrative hearing to dispute the established foster care rates.

[Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0160, filed 1/31/06, effective 3/3/06.]

**WAC 388-826-0170 How are rates for licensed staffed residential homes determined in VPP?** Rates for licensed staffed residential homes are determined by the department after review of the needs of the child, the proposal from the licensed staffed residential agency and the proposed staffing schedule.

[Statutory Authority: RCW 71A.12.030, 74.13.350, and Title 71A RCW. WSR 06-04-088, § 388-826-0170, filed 1/31/06, effective 3/3/06.]

**WAC 388-826-0175 How does DDD determine the rate that is paid to support a child in a licensed group care facility?** A rate is negotiated by contract between DDD and the licensed group care facility.

[Statutory Authority: RCW 74.13.750, WSR 07-15-003, § 388-826-0175, filed 7/6/07, effective 8/6/07.]

[Ch. 388-826 WAC p. 8]

**WAC 388-826-0200 What happens if the voluntary placement ends?** The child must be returned to the physical care of the child's legal parent unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The agreement as described in RCW 74.13.350, between DDD and legal parents is completely voluntary. Per RCW 74.13.350, any party may terminate the agreement at any time.

[WSR 06-01-107, recodified as § 388-826-0200, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350, WSR 02-22-057, § 388-826-0100, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0210 When the child leaves the voluntary placement program for any reason, what DDD services are available to the child and family when voluntary placement ends?** Depending on availability of funds, the child and family may be eligible for other DDD programs and that would support the child.

[WSR 06-01-107, recodified as § 388-826-0210, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350, WSR 02-22-057, § 388-826-0105, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0220 Will a child or youth continue to receive special education or early intervention services while in VPP?** (1) Early intervention services are available to a child, birth through thirty-five months when in VPP and when that child meets the early intervention eligibility criteria.

(2) When a child or youth meets eligibility criteria for special education programs, ages three to twenty-one years, the child or youth continues to receive special education services through their local public school district.

(3) Office of superintendent of public instruction is responsible for the special education program for the eligible children, ages three to twenty-one years, RCW 28A.155.220 allows that children and youth who meet eligibility criteria may remain in special education until graduation, if that occurs during the school year.

[WSR 06-01-107, recodified as § 388-826-0220, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350, WSR 02-22-057, § 388-826-0110, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0230 What happens after a youth turns eighteen?** When a youth turns eighteen, and is considered an adult, while in the voluntary placement program, the youth may remain in the child foster home, in VPP, under the following circumstances:

(1) Youth remains in the education or vocational program in the local public school district in which he/she has been enrolled until graduation or age twenty-one, whichever is earlier, per WAC 392-172-030(2), RCW 74.13.031 (10) and (13), 28A.155.020, and 28A.155.030;

(2) The placement remains intact and does not disrupt;

(3) When needed, youth who turns eighteen can self-administer medication;

(4) Youth cannot remain in foster care, living in a child foster home, and in VPP, after eighteen years of age when:

(a) The child foster home placement disrupts;

(b) The youth leaves education or vocational program; or

(11/25/09)

(c) The youth who turns eighteen needs someone to administer medication.

Dependency guardianships end at age eighteen. If a youth has been in a legal guardianship, under chapter 11.88 RCW and if the reason for guardianship was the minority of the child the guardianship ends.

[WSR 06-01-107, recodified as § 388-826-0230, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0115, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0240 What happens if a parent disagrees with a decision made by DDD?** If a parent disagrees with a decision made by DDD staff, the parent has the right to pursue the appeal process, as outlined in RCW 71A.10.050 and chapter 388-02 WAC.

[WSR 06-01-107, recodified as § 388-826-0240, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0120, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0250 Does DDD make exceptions to the requirements in this chapter?** DDD may grant exceptions to the requirements specified in this chapter as long as the DDD director approves the request in writing within sixty days.

[WSR 06-01-107, recodified as § 388-826-0250, filed 12/21/05, effective 12/21/05. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0125, filed 10/31/02, effective 12/1/02.]