

# Chapter 110-90 WAC

## EXTENDED FOSTER CARE PROGRAM

(Formerly chapter 388-25 WAC)

### WAC

110-90-0010	What is the legal basis of the extended foster care program?
110-90-0020	What is the purpose of the extended foster care program?
110-90-0030	What is extended foster care?
110-90-0040	Who is eligible for extended foster care?
110-90-0041	When is a youth considered to be "in foster care"?
110-90-0042	When is a youth not "in foster care"?
110-90-0050	How does a youth demonstrate enrollment in school?
110-90-0060	How does a youth demonstrate he/she has applied for and intends to timely enroll in a post-secondary program?
110-90-0070	How does a youth demonstrate participation in a program or activity designed to promote employment or remove barriers to employment?
110-90-0080	What if an eligible youth does not want to participate in the extended foster care program?
110-90-0090	What is a "documented medical condition"?
110-90-0100	How does a youth demonstrate he or she is unable to participate in extended foster care activities due to a documented medical condition?
110-90-0110	How does a youth agree to participate in the extended foster care program?
110-90-0120	Where do youth obtain information about how to participate in the program?
110-90-0130	Can an extended foster care participant continue in extended foster care under a different eligibility category?
110-90-0140	If an extended foster care participant loses his or her eligibility before he or she turns twenty-one, may he or she reapply for extended foster care?
110-90-0150	What are CA's responsibilities to a youth who is participating in extended foster care?
110-90-0160	How does CA determine a youth's continuing eligibility for the extended foster care program?
110-90-0170	What are the legal rights of a dependent youth in extended foster care to travel out of state, buy a car or engage in other activities as an adult?
110-90-0180	What are the youth's rights in the extended foster care program?
110-90-0190	What must the youth do to remain in the extended foster care program?
110-90-0200	When is a youth no longer eligible for the extended foster care program?

**WAC 110-90-0010 What is the legal basis of the extended foster care program?** The legal authorities for the program are:

- (1) Revised Code of Washington: RCW 74.13.031 and 13.34.267;
- (2) United States Code: 42 U.S.C. sec. 671-675; and
- (3) The U.S. Department of Health and Human Services (DHHS) policy guidelines for states to use in determining a child's eligibility for participation in extended foster care programs.

[WSR 18-14-078, recodified as § 110-90-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0500, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0020 What is the purpose of the extended foster care program?** The extended foster care

(6/29/18)

program provides an opportunity for young adults in foster care at age eighteen to voluntarily agree to continue receiving foster care services, including placement services, while the youth:

- (1) Completes a high school or a high school equivalency program;
- (2) Completes a secondary or post-secondary academic or vocational program;
- (3) Participates in a program or activity designed to promote employment or remove barriers to employment;
- (4) Is engaged in employment for eighty hours or more per month; or
- (5) Is unable to engage in subsections (1) through (4) of this section due to a documented medical condition.

[WSR 18-14-078, recodified as § 110-90-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0502, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0502, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0502, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0502, filed 3/25/13, effective 4/25/13.]

### **WAC 110-90-0030 What is extended foster care?**

Extended foster care is a program offered to young adults, age eighteen to twenty-one, who turn eighteen while in foster care, to enable them to:

- (1) Complete a high school diploma or high school equivalency certificate;
- (2) Complete a post-secondary academic or vocational program;
- (3) Participate in a program or activity designed to promote employment or remove barriers to employment;
- (4) Be employed for eighty hours or more per month; or
- (5) Participate in the program if unable to engage in subsections (1) through (4) of this section due to a documented medical condition.

[WSR 18-14-078, recodified as § 110-90-0030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0504, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0504, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0504, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0504, filed 3/25/13, effective 4/25/13.]

[Ch. 110-90 WAC p. 1]

**WAC 110-90-0040 Who is eligible for extended foster care?** (1) To be eligible for the extended foster care program, a youth, on his or her eighteenth birthday must be dependent under chapter 13.34 RCW, placed in foster care as defined in WAC 388-25-0508 by CA, and:

(a) Enrolled in school as described in WAC 388-25-0512;

(b) Have applied for, or can demonstrate intent to timely enroll in a post-secondary academic or vocational education program as described in WAC 388-25-0514;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment as described in WAC 388-25-0515;

(d) Engaged in employment for eighty hours or more per month;

(e) Unable to engage in subsection (1)(a) through (d) of this section due a documented medical condition as described in WAC 388-25-0519; or

(f) Did not enroll in the extended foster care program; and

(i) Had their dependency dismissed on their eighteenth birthday;

(ii) Is requesting to enroll in the extended foster care program through a voluntary placement agreement (VPA) prior to reaching the age of nineteen; and

(iii) Meets one of the criteria found in subsection (1)(a) through (e) of this section.

(2) If the youth was in the extended foster care program but then unenrolled or lost their eligibility, the youth may reenroll in the extended foster care program through a VPA one time before the age of twenty-one. The youth must meet one of the criteria in subsection (1)(a) through (e) when requesting to reenroll in the extended foster care program.

[WSR 18-14-078, recodified as § 110-90-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 18-01-048, § 388-25-0506, filed 12/12/17, effective 1/12/18; WSR 16-14-065, § 388-25-0506, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0506, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0506, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0506, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0041 When is a youth considered to be "in foster care"?** For the purpose of determining initial eligibility for the extended foster care program, a youth is in foster care if the youth is under children's administration (CA) placement and care authority, is placed by CA in out of home care, in relative care, licensed foster home, licensed group care, or other suitable person placement. A youth is considered to be in foster care:

(1) If the youth is temporarily away from a foster care placement in:

(a) A hospital;

(b) A drug/alcohol treatment facility;

(c) A mental health treatment facility; or

(d) A county detention center for less than thirty days.

(2) If the youth is temporarily away from his or her foster care placement without permission of the case worker or caregiver, the youth is considered to be in foster care for purposes of determining initial eligibility.

(3) If the youth is committed to juvenile justice and rehabilitation administration custody and resides in a foster home, group home, or community facility, as defined in RCW 74.15.020 (1)(a).

[WSR 18-14-078, recodified as § 110-90-0041, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0508, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0508, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0042 When is a youth not "in foster care"?** For the purposes of determining initial eligibility for the extended foster care program, a youth is not in foster care if the youth is:

(1) Placed with a parent;

(2) In a dependency guardianship or in a chapter 13.36 RCW; or

(3) Committed to and residing in a juvenile justice and rehabilitation administration institution (as defined in RCW 13.30.020(12)) or to the department of corrections.

[WSR 18-14-078, recodified as § 110-90-0042, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0510, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0510, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0050 How does a youth demonstrate enrollment in school?** Enrollment in school is shown by documented registration or acceptance in:

(1) **Secondary** - A high school, secondary education equivalency program, or a state accredited on-line or other approved secondary education program.

(2) **Post-secondary** - Post-secondary academic or vocational program.

[WSR 18-14-078, recodified as § 110-90-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0512, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0060 How does a youth demonstrate he/she has applied for and intends to timely enroll in a post-secondary program?** (1) Applied for intends to timely enroll in a post-secondary program is demonstrated by the youth:

(a) Completing and submitting an application to a post-secondary academic or vocational program; or

(b) Providing proof of Free Application for Federal Student Aid (FAFSA) submission.

(2) **Timely enroll** means participation in a post-secondary program in the next reasonably available school term.

[WSR 18-14-078, recodified as § 110-90-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0514, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0070 How does a youth demonstrate participation in a program or activity designed to promote employment or remove barriers to employment? (1)**

Actively participate in a state, federal, tribal or community program that addresses any barriers to employment that the youth may have and/or prepares or trains individuals for employment; or

(2) Involved in a self-directed program that will remove any barriers to employment and will prepare a youth for employment: or

(3) Working less than eighty hours a month.

[WSR 18-14-078, recodified as § 110-90-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.-031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0515, filed 6/12/14, effective 7/13/14.]

**WAC 110-90-0080 What if an eligible youth does not want to participate in the extended foster care program?**

Participation in extended foster care is voluntary. A youth who does not agree to participate in extended foster care may request the court to dismiss his or her dependency case.

[WSR 18-14-078, recodified as § 110-90-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.-031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0516, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0516, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0516, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0090 What is a "documented medical condition"?**

A "documented medical condition" is any physical or mental health condition documented by a licensed health care provider that may be temporary or permanent, including but not limited to, a physical injury or a physical or behavioral health condition. A "documented medical condition" may include physiological, mental, or psychological conditions or disorders, including but not limited to, orthopedic, visual, speech, and hearing impairments.

[WSR 18-14-078, recodified as § 110-90-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.-031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0517, filed 6/30/16, effective 7/31/16.]

**WAC 110-90-0100 How does a youth demonstrate he or she is unable to participate in extended foster care activities due to a documented medical condition? (1)**

To demonstrate he or she is unable to participate in extended foster care activities due to a documented medical condition defined in WAC 388-25-0517, a youth must notify the social worker of the medical condition and provide CA written documentation or consent to CA to obtain documentation from a licensed health care provider. The documentation of the medical condition must describe how the medical condition prevents the youth, either temporarily or permanently, from:

(a) Completing a high school diploma or high school equivalency certificate;

(b) Completing a post-secondary academic or vocational program;

(6/29/18)

(c) Participating in a program or activity designed to promote employment or remove barriers to employment; or

(d) Being employed for eighty hours or more per month.

(2) If the youth's medical condition prevents him or her from notifying the social worker or obtaining or providing documentation of the medical condition, the youth must notify the social worker as soon as he or she is reasonably able.

(3) If the youth's medical condition temporarily prevents him or her from engaging in extended foster care activities, the youth will provide the social worker with updated documentation from the licensed health care provider regarding the youth's ability to engage in extended foster care activities during the monthly health and safety visit.

(4) The youth may give CA consent to contact the licensed health care provider directly to determine the impact of the youth's documented medical condition or his or her ability to engage in extended foster care activities.

[WSR 18-14-078, recodified as § 110-90-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.-031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0519, filed 6/30/16, effective 7/31/16.]

**WAC 110-90-0110 How does a youth agree to participate in the extended foster care program? (1) An eligible dependent youth can agree to participate by:**

(a) Signing an extended foster care agreement; or

(b) For developmentally disabled youth, remaining in the foster care placement and continuing in an appropriate educational program.

(2) An eligible nondependent youth who did not elect to participate in the program on their eighteenth birthday can agree to participate by:

(a) Signing a voluntary placement agreement (VPA) before reaching age nineteen; or

(b) Establishing a nonminor dependency before reaching age nineteen if the department denied entry into the program.

(3) An eligible nondependent youth requesting to reenter the program may agree to participate by signing a VPA prior to reaching age twenty-one as long as the youth has not previously entered into a VPA for extended foster care services.

(4) In order to continue receiving extended foster care services after entering into a VPA with the department, the youth must agree to the entry of an order of dependency within one hundred eighty days of the date that the youth is placed in foster care pursuant to a VPA.

[WSR 18-14-078, recodified as § 110-90-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.-031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 18-01-048, § 388-25-0528, filed 12/12/17, effective 1/12/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0528, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0528, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0528, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0120 Where do youth obtain information about how to participate in the program? (1) The**

[Ch. 110-90 WAC p. 3]

department must provide dependent youth between the age of seventeen and seventeen and a half:

(a) Written documentation explaining the availability of extended foster care services.

(b) Detailed instructions on how to access such services after he or she reached age eighteen.

(2) Youth can contact:

(a) Youth's attorney/CASA/GAL.

(b) Youth's worker.

(c) Local children's administration office.

(d) [www.independence.wa.gov](http://www.independence.wa.gov).

(e) 1-866-END-HARM.

[WSR 18-14-078, recodified as § 110-90-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0530, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0530, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0130 Can an extended foster care participant continue in extended foster care under a different eligibility category?** Yes. A youth may transition among the eligibility categories while under the same voluntary placement agreement or dependency order, so long as the youth remains eligible during the transition.

[WSR 18-14-078, recodified as § 110-90-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0532, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0532, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0140 If an extended foster care participant loses his or her eligibility before he or she turns twenty-one, may he or she reapply for extended foster care?** (1) Yes. If a youth was receiving extended foster care services and lost eligibility, he or she may reapply as long as the youth:

(a) Has not turned twenty-one;

(b) Meets one of the conditions for eligibility in WAC 388-25-0506 (1)(a) through (e); and

(c) Has not entered into a prior voluntary placement agreement with the department for the purposes of participating in the extended foster care program.

(2) Youth may reenter the extended foster care program one time between the ages of eighteen to twenty-one.

[WSR 18-14-078, recodified as § 110-90-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 18-01-048, § 388-25-0534, filed 12/12/17, effective 1/12/18; WSR 14-13-051, § 388-25-0534, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0534, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0150 What are CA's responsibilities to a youth who is participating in extended foster care?** Children's administration (CA) is required to have placement and care authority over the youth and to provide foster care services, including transition planning and independent living services, medical assistance through medicaid, and case management. Case management includes findings or approving a

foster care placement for the youth, convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the youth, caseworker visits, and court-related duties, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the youth is progressing toward independence within state and federal mandates. CA has responsibility to inform the court of the status of the child (including health, safety, welfare, education status and continuing eligibility for extended foster care program). The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

[WSR 18-14-078, recodified as § 110-90-0150, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0536, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0536, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0160 How does CA determine a youth's continuing eligibility for the extended foster care program?** To determine a youth's continuing eligibility for the extended foster care program, prior to every court review hearing CA will determine if the youth continues to:

(1) Agree to participate in the extended foster care program;

(2) Meet the eligibility criteria in WAC 388-25-0506 (1)(a) through (f);

(3) Reside in an approved placement; and

(4) Comply with the youth's responsibilities in WAC 388-25-0546.

[WSR 18-14-078, recodified as § 110-90-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0540, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0540, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0540, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0540, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0170 What are the legal rights of a dependent youth in extended foster care to travel out of state, buy a car or engage in other activities as an adult?** The youth is a "child" for the purposes of the dependency and must comply with responsibilities in WAC 388-25-0546, otherwise the youth has the legal status and legal rights of an adult. The youth is responsible for their actions, including responsibility for purchases, driving, traveling or financial obligations related to the activities they participate in.

[WSR 18-14-078, recodified as § 110-90-0170, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0542, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0180 What are the youth's rights in the extended foster care program?** Youth have a right to:

- (1) An approved foster care placement.
- (2) Foster care services including medical assistance through medicaid.
- (3) Participate in the court process as a party to the case.
- (4) Have an attorney appointed for them upon filing a notice of intent to file a petition for dependency and in dependency proceedings.
- (5) End their participation in the program at any time.
- (6) Referrals to community resources as appropriate.

[WSR 18-14-078, recodified as § 110-90-0180, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0544, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0544, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0190 What must the youth do to remain in the extended foster care program?** To remain in the extended foster care program, unless otherwise authorized by court order, the youth must:

- (1) Agree to participate in the program as expressed in the written extended foster care agreement;
- (2) Maintain the standard of eligibility as set by the youth's academic program, employment related program, employment status, or documented medical condition;
- (3) Participate in the case plan, including monthly health and safety visits;
- (4) Acknowledge that CA has responsibility for the youth's care and placement by authorizing CA to have access to records related to court-ordered medical, mental health, drug/alcohol treatment services, additional necessary services, educational records needed to determine continuing eligibility for the program, medical records related to a documented medical condition for purposes of qualifying for extended foster care under WAC 388-25-0506 (1)(f); and
- (5) Remain in the approved foster care placement and follow placement rules as follows:
  - (a) Stay in the placement identified by CA or approved by the court;
  - (b) Obtain approval from his or her social worker and notify his or her caregiver for extended absences from the placement of more than three days; and
  - (c) Comply with court orders and any specific rules developed in collaboration by the youth, caregiver and social worker.

[WSR 18-14-078, recodified as § 110-90-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0546, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0546, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0546, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0546, filed 3/25/13, effective 4/25/13.]

**WAC 110-90-0200 When is a youth no longer eligible for the extended foster care program?** A youth is no longer

eligible for the extended foster care program and the department will ask the court to dismiss the nonminor dependency, when the youth:

- (1) Graduates from high school or equivalency program and has not demonstrated intent to timely enroll in a post-secondary academic or vocational program;
- (2) Graduates from a post-secondary education or vocational program;
- (3) Reaches his or her twenty-first birthday;
- (4) Is no longer participating or engaging in any of the eligibility criteria under WAC 388-25-0506 (1)(a) through (f);
- (5) No longer agrees to participate in extended foster care services;
- (6) Fails or refuses to comply with youth responsibilities outlined in WAC 388-25-0546; or
- (7) Is incarcerated in an adult detention facility on a criminal conviction.

[WSR 18-14-078, recodified as § 110-90-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0548, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0548, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0548, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0548, filed 3/25/13, effective 4/25/13.]