

# Chapter 388-826 WAC

## VOLUNTARY PLACEMENT PROGRAM

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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388-826-0020	How does the family, whose child is a client of DDD request access to the VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0020, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.	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.
388-826-0025	What is the process for a child or youth who transfers from children's administration to get into the VPP? [Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0025, filed 10/31/02, effective 12/1/02.] Repealed by WSR 18-23-004, filed 11/7/18, effective	388-826-0110	Will a child or youth continue to receive special education or early intervention services while in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.
- 388-826-0129 What are the residential settings that DDD uses to provide voluntary placement program services? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0129, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0135 When does DDD administer the foster care rate assessment tool? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0135, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0136 How often does DDD administer the foster care rate assessment tool? [Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0136, filed 7/6/07, effective 8/6/07.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 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 [74.13.350].
- 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? [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.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0220 Will a child or youth continue to receive special education or early intervention services while in VPP? [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.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.
- 388-826-0250 Does DDD make exceptions to the requirements in this chapter? [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.] Repealed by WSR 18-23-004, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 71A.12.030 and 74.13.350.

**WAC 388-826-0001 What are voluntary placement services?** Voluntary placement services are administered by the developmental disabilities administration (DDA) and provide temporary residential placement for a child outside of the child's regular home setting that is voluntarily agreed to by the child's parent, custodian, or guardian and DDA.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0001, filed 11/7/18, effective 12/8/18. 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 What definitions apply to this chapter?** "Child" means a person who is eligible for developmental disabilities administration (DDA) services under chapter 388-825 WAC, under eighteen, and in the custody of a parent by blood, adoption, or legal guardianship.

"Child foster home" means a private home licensed to provide twenty-four hour care to children.

"Client" means a person eligible for DDA services under chapter 388-825 WAC.

"Client responsibility" means the total amount of a client's participation and room and board.

"Community inclusion activities" means person-centered, age appropriate, participation in activities in a client's local community.

"Custody" means protective care or guardianship of someone; parental responsibility, especially as allocated to one of two divorcing parents.

"DDA" means the developmental disabilities administration within the department of social and health services.

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

"Family" means one or more of the following relatives: Spouse or registered domestic partner, natural, adoptive or step parent; grandparent; child; stepchild; sibling; stepsibling; uncle; aunt; first cousin; niece; or nephew.

"Group care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis.

"Guardian ad litem (GAL)" means a court-appointed neutral investigator whose job is to make a recommendation to the court if the proposed guardian is fit to serve and whether the client is legally incapacitated.

"Judicial determination" means a court process to determine whether out-of-home placement is in the best interest of a child.

"Legal guardian" means a person's legal guardian appointed through formal proceedings in accordance with state law.

"Legal status of the child" means that the child is in legal custody of a biological or adoptive parent or legal and custodial guardian.

"Out-of-home placement" means a home other than the child's regular home, such as a state-operated living alternative or a facility licensed by the division of licensed resources (DLR) where the child has been placed.

"Parent" means a biological or adoptive parent who has legal responsibility for and physical custody of the child.

"Participation" has the same meaning as is under WAC 182-513-1100.

"Personal needs allowance (PNA)" means an amount set aside from a client's income under WAC 182-513-1105.

"Person-centered service plan (PCSP)" means a document that identifies the client's goals and assessed health and welfare needs. The person-centered service plan also indicates the paid services and natural supports that will assist the client to achieve their goals and address their assessed needs.

"Registered nurse delegator" means a licensed registered nurse who delegates specific nursing care tasks to a qualified nursing assistant or home care aide, and supports

clients in a community-based care setting or in-home care setting under RCW 18.79.260.

**"Residential habilitation services"** means instruction and support services under WAC 388-845-1500.

**"Respite care"** means short-term, intermittent care to relieve a primary caregiver.

**"Room and board"** has the same meaning as is under WAC 182-513-1100.

**"Shared parenting"** means a collaboration between the parent or legal guardian and licensed provider or state-operated living alternative (SOLA) to share in meeting the support needs of the client receiving voluntary placement services.

**"Shared parenting plan"** means a written plan for sharing responsibilities among the parent, a licensed provider or SOLA and the department, outlining the shared responsibilities for care of a child.

**"Significant change assessment"** means an assessment triggered by an unexpected, documented change in a client's condition, activities of daily living, mood and behaviors, or psychological or medical conditions which affect the level of care needed for the client.

**"SOLA"** means state-operated living alternative.

**"Staffed residential home"** means a licensed facility that provides twenty-four hour care to six or fewer children who require more supervision than can be provided in a foster home.

**"Supplemental security income (SSI)"** means a needs-based assistance program administered by the federal Social Security Administration for blind, disabled, and aged individuals.

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

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0005, filed 11/7/18, effective 12/8/18. 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 voluntary placement services?** (1) A child is eligible for voluntary placement services if:

(a) The child:

(i) Is DDA-eligible under chapter 388-825 WAC;

(ii) Will enter voluntary out-of-home placement while under eighteen;

(iii) Has accessed all other available and appropriate DDA services;

(b) The child's parent, guardian, or legal custodian:

(i) Is unable to provide care for the child needs;

(ii) Has determined that the child would benefit from voluntary out-of-home placement;

(iii) Requests out-of-home placement solely because of the child's developmental disability;

(iv) Requests voluntary placement services in writing;

(v) Complies with the voluntary placement agreement; and

(c) DDA:

(i) Has available funding;

(ii) Determines that available and appropriate in-home supports do not meet the child's needs;

(iii) Determines that voluntary out-of-home placement is in the child's best interest.

(2) The department considers voluntary out-of-home placement to be in the best interest of the child if voluntary placement services:

(a) Help maintain family relationships; and

(b) Provide the least restrictive setting that will benefit the child's medical, social, developmental, and personal needs.

(3) DDA waits to determine a client's eligibility for voluntary placement services until any pending child protective services' investigations conclude.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0010, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0010, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0011 What do voluntary placement services include?** Voluntary placement services include:

(1) A shared parenting plan under WAC 388-826-0041;

(2) A person-centered service plan;

(3) Residential habilitation services;

(4) Community inclusion activities;

(5) Developmentally appropriate support to the child in activities of daily living;

(6) Comprehensive health and safety reviews facilitated by DDA every ninety days;

(7) Coordination with the medically intensive children's program under chapter 182-551 WAC;

(8) Coordination with the early support for infants and toddlers program for eligible children under the Individuals with Disabilities Education Act, Part C; and

(9) Coordination between the local school district and the licensed provider or SOLA to receive free and public education (FAPE) services.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0011, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0016 Where may a client receive voluntary placement services?** A client may receive voluntary placement services in:

(1) A children's state-operated living alternative; or

(2) A home licensed under chapter 74.15 RCW, including a:

(a) Child foster home;

(b) Staffed residential home; or

(c) Group care facility for medically fragile children.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0016, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0040 What is the voluntary placement agreement?** (1) Before a child may enter voluntary out-of-home placement, the child's parent or legal guardian must execute a voluntary placement agreement.

(2) The voluntary placement agreement must specify:

(a) That the child's parent or legal guardian retains legal custody of the child;

(b) That the department is responsible for the child's placement and care;

- (c) That the signature of the child's parent or legal guardian is required;
- (d) The legal status of the child;
- (e) The rights and obligations of the parent or legal guardian;
- (f) The rights and obligations of the child;
- (g) The rights and obligations of the department while the child is in placement; and
- (h) That any party to the voluntary placement agreement may terminate the agreement at any time.

(3) If a court has entered a final divorce decree or parenting plan that delineates decision-making authority, the parent must provide a copy of the document to the department.

(4) A voluntary placement agreement regarding an Indian child is invalid unless it complies with RCW 13.38.-150.

(5) If a child's placement is unsuccessful under the terms of the voluntary placement agreement, the child returns to their parent's physical care until a new placement is available.

(6) Upon termination of the voluntary placement agreement, the child must return to the parent or legal guardian's care unless:

- (a) Taken into custody under RCW 13.34.050 or 26.44.-050;
- (b) Placed in shelter care under RCW 13.34.060; or
- (c) Placed in foster care under RCW 13.34.130.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0040, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0040, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0041 What is a shared parenting plan?** (1) A shared parenting plan is a written agreement between the client's parent or legal guardian, the licensed provider or SOLA, and the department.

- (2) The shared parenting plan must:
  - (a) Include a plan for the parent or legal guardian's continual involvement, including:
    - (i) A schedule for visiting the child in out-of-home placement;
    - (ii) An activities schedule;
    - (iii) Emergency contact information;
    - (iv) Consent to medical care;
    - (v) Routine communication about medical issues, education, daily routines, and special considerations in the life of the child; and
    - (vi) Expectations for each party's role, including special considerations.
  - (b) Coordinate health care benefits;
  - (c) Designate a representative payee;
  - (d) Address the requirement to access all available income sources under WAC 182-512-0700(1);
  - (e) Include a plan for respite care if the child lives in a child foster home; and
  - (f) Be developed within forty-five days of the client's out-of-home placement and reviewed annually thereafter by the department.

(3) If any party does not follow the shared parenting plan, all parties must review and revise the shared parenting plan.

(4) If any party does not follow the revised shared parenting plan, DDA may terminate the client's voluntary placement services and the child will return to the parent or legal guardian's care unless:

- (a) Taken into custody under RCW 13.34.050 or 26.44.-050;
- (b) Placed in shelter care under RCW 13.34.060; or
- (c) Placed in foster care under RCW 13.34.130.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0041, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0050 What are the judicial requirements for a child receiving voluntary placement services?** When a child receives voluntary placement services, the department must:

- (1) Develop a permanency plan of care no more than sixty days after the child is placed out-of-home;
- (2) No more than one hundred eighty days after the child is placed out-of-home and annually thereafter, obtain a judicial determination that the placement is in the best interest of the child - A judicial determination is not required if the child's out-of-home placement ends before one hundred eighty days elapse;
- (3) Conduct periodic administrative reviews as required by federal law - A review may be called at any time by the department, the parent, or the legal guardian; and
- (4) Work with the department of children, youth, and families to file a dependency petition if there is reason to believe the child is a dependent child under RCW 13.34.030.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0050, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0050, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0070 What are the department's responsibilities for a child receiving voluntary placement services?** When a child receives voluntary placement services, the department must:

- (1) Develop the shared parenting plan no more than forty-five days after the child is placed out-of-home and review the plan at each annual assessment;
- (2) Visit the child in their out-of-home placement at least every ninety days;
- (3) Review the child's person-centered service plan no more than ninety days after the child is placed out-of-home;
- (4) Monitor the child's voluntary placement services by:
  - (a) Facilitating team meetings using a wraparound planning model;
  - (b) Reviewing the child's support plans;
  - (c) Reviewing incident reports and follow-up measures involving the client;
  - (d) Authorizing payment for services; and
  - (e) Facilitating communication between the client's parent, legal guardian, and licensed provider or SOLA;
- (5) Determine eligibility for apple health coverage under chapters 182-513 and 182-515 WAC;
- (6) Determine the child's participation and room and board amount, if any;
- (7) Comply with the permanency planning hearing requirements under RCW 13.34.270 no more than one-hun-

dred eighty days after the child is placed out-of-home and annually thereafter;

(8) Notify the child's parent or legal guardian in writing before the date of each annual permanency planning hearing;

(9) Monitor the licensed provider or SOLA to ensure the provider complies with contract requirements, which includes compliance with DDA policies and minimum licensing rules; and

(10) Refer a client age eighteen or older for a nurse delegation assessment, if necessary.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0070, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.350. WSR 02-22-057, § 388-826-0070, filed 10/31/02, effective 12/1/02.]

**WAC 388-826-0071 What are the responsibilities of the licensed provider supporting a client receiving voluntary placement services?** When a client is receiving voluntary placement services, the licensed provider must:

(1) Ensure the health and safety of the client;

(2) Develop a quarterly report if the client is in a staffed residential home or group care facility for medically fragile children. The quarterly report must include:

(a) A summary of the client's progress toward developing skills identified in the individualized treatment plan;

(b) An update regarding shared parenting, including a summary of family visits;

(c) A summary of incident reports, if any;

(d) School progress, including individualized education program updates;

(e) Any significant changes in the client's condition or prescribed medications; and

(f) A summary of the client's participation in community inclusion activities.

(3) Help develop and implement the shared parenting plan;

(4) Participate in the client's individualized education program;

(5) Develop emergency preparedness plans under WAC 110-145-1670;

(6) Track, and make available to the department upon request, the client's participation in community inclusion activities - if the client is in a staffed residential home - including:

(a) Date of each activity;

(b) Cost of each activity; and

(c) A running balance of the client's community inclusion activities funds;

(7) Retain all client records for at least six years after termination or expiration of their contract; and

(8) Request an assessment for nurse delegation if the client is age eighteen or older and needs medication administration.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0071, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0072 What training must a licensed staffed residential or SOLA employee complete?** To support a client receiving voluntary placement services, a licensed staffed residential or SOLA employee must complete:

(11/7/18)

(1) Training required under chapter 110-145 WAC;

(2) Training and continuing education required under chapter 388-829 WAC;

(3) Client specific training based on the client's treatment plan and person-centered service plan; and

(4) Nurse delegation training under chapter 246-888 WAC, if applicable.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0072, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0075 What are a parent or legal guardian's responsibilities when their child is receiving voluntary placement services?** When a client is receiving voluntary placement services, the client's parent or legal guardian must:

(1) Maintain weekly contact with the child;

(2) Comply with the voluntary placement agreement;

(3) Help apply for income and benefits available to the child from the Social Security Administration; and

(4) Participate in:

(a) The shared parenting plan;

(b) Team meetings; and

(c) The DDA annual assessment, including the person-centered service plan.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0075, filed 11/7/18, effective 12/8/18. 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 Who is eligible for respite services?** (1) A client who lives in a foster home is eligible for respite services.

(2) A client who lives in a licensed staffed residential, SOLA, or group home for medically fragile children is not eligible for respite services.

(3) The DDA assessment under chapter 388-828 WAC determines the amount of respite services a client may receive.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0077, filed 11/7/18, effective 12/8/18. 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 388-826-0078 Who may provide respite services to a client receiving voluntary placement services in a child foster home?** To provide respite services to a client receiving voluntary placement services, a provider must:

(1) Be a qualified provider under WAC 388-845-1615; and

(2) Have a respite contract with the developmental disabilities administration.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0078, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0079 What limits apply to respite services?** Limits under WAC 388-845-1620 apply to a client receiving voluntary placement services in a child foster home.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0079, filed 11/7/18, effective 12/8/18.]

**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 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 388-826-0130 How does the department determine the rate to support a client in a licensed foster home?** (1) The department determines the rate that is paid to support a client in a licensed foster home by conducting a foster care rate assessment.

(2) DDA conducts the foster care rate assessment:

(a) No more than thirty days after the date the child is admitted to a licensed foster home;

(b) Annually; and

(c) If a significant change occurs.

[Statutory Authority: RCW 71A.12.030 and 74.13.350, WSR 18-23-004, § 388-826-0130, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350], 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 388-826-0133 What is the representative payee's role?** The representative payee:

(1) Manages the client's income;

(2) Uses the client's income to contribute toward the cost of the client's participation and room and board;

(3) Places the client's personal needs allowance and any conserved funds in a payee account; and

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(4) Monitors the child's payee account to maintain eligibility for supplemental security income (SSI) and medicaid.

[Statutory Authority: RCW 71A.12.030 and 74.13.350, WSR 18-23-004, § 388-826-0133, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0138 What questions are in the foster care rate assessment and how are answers scored?** (1) The foster care rate assessment consists of thirteen questions.

(2) Scores are based on natural supports available, documented support plans, and report of care provided by the licensed foster home provider.

(3) The assessment excludes any additional paid supports provided, such as nursing and therapies.

(4) The hours are assessed against the number of hours expected to support a typically developing child the same age as the client.

(5) Daily living: What is the average number of hours per day spent supporting the client with daily living tasks like dressing, grooming, toileting, feeding and providing specialized body care? Do not include private duty nursing hours in this average.

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

(6) Physical needs: What is the average number of hours per day spent providing assistance to the client that is not included in the "daily living" category above? Examples include assistance with: Mobility; prosthetics; communication; other assistive devices; airway management (monitors, ventilators); pressure sores; and enteral nutrition. Do not include private duty nursing hours in this average.

Hours per day	Score
0 to 1	30
2 to 5	91
6 to 20	274
Over 20	609

(7) Behavioral needs: What is the average number of hours per day spent providing behavioral, emotional, and mental health supports to the client? Do not include hours under subsection (8)(b) of this section in this average.

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

(8) Therapeutic plan: What is the average number of hours per week spent implementing a plan prescribed by a

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professional related to the child's physical, behavioral, emotional, or mental health therapy? The foster parent must provide a copy of each plan to the assessor.

(a) What is the average number of hours per week spent providing or attending physical, occupational, and speech therapy?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 9	30
10 to 46	65

(b) What is the average number of hours per week spent participating in or implementing services identified in the client's behavioral support plan, such as applied behavior analysis (ABA) or counseling?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 19	48
20 to 60	104
Over 60	390

(9) Appointments: What is the average number of hours per week spent scheduling, traveling to and from, and participating in appointments? The foster parent must provide documentation of appointments to the assessor.

(a) What is the average number of hours per week spent scheduling, traveling to and from, and participating in doctor visits, dental visits, rehabilitation, and therapy visits?

Hours per week	Score
0 to 1	4
2 to 5	13
6 to 14	39
Over 14	82

(b) What is the average number of hours per week spent scheduling, traveling to and from, and participating in community activities, such as recreation, leisure, sports, and extra-curricular activities?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 7	30
8 to 20	48
Over 20	130

(10) House care: What is the average number of times per week spent repairing, cleaning, and replacing household items and medical equipment, over and above normal wear and tear, due to:

(a) A chronic medical condition?

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

(b) Destructive behavior?

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

(11) Development and socialization skills: What is the average number of hours per week spent providing guidance and assistance?

(a) What is the average number of hours per week spent helping with homework and learning new activities?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 11	30
12 to 30	87
Over 30	249

(b) What is the average number of hours per week spent interacting with other professionals, such as meeting with teachers, visiting the client's school, speaking on the phone with school personnel, participating in individual education plan development and review?

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 5	22
6 to 12	30
Over 12	82

(c) What is the average number of hours per week spent developing socialization and functional life skills, like making positive choices, being accountable, managing money, exploring the community, and relating to peers, adults, and family members?

Hours per week	Score
0 to 1	4
2 to 7	22
8 to 19	56

Hours per week	Score
20 to 60	173
Over 60	403

(12) Shared parenting: What is the average number of hours per week spent implementing the shared parenting plan? The shared parenting plan must be available for review.

Hours per week	Score
0 to 1	4
2 to 3	13
4 to 12	30
Over 12	82

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0138, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0138, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0145 How does DDA determine the foster care level from the raw score?** (1) 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

(2) A standardized rate for specialized services is assigned to levels one through six.

(3) The standardized rate is published by DDA and is paid monthly to the foster parent.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0145, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0145, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0150 What happens if a significant change assessment occurs?** (1) If a significant change assessment occurs, DDA conducts a foster care rate assessment.

(2) If the foster care rate assessment results in a rate change, the foster parent receives a thirty-day written notice that includes the effective date of the change.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0150, filed 11/7/18, effective 12/8/18. 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 Are foster care rates appealable?** A foster care rate is not appealable through the administrative hearing process.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0160, filed 11/7/18, effective 12/8/18. 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.]

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**WAC 388-826-0170 How does the department determine the rate to support a client in a licensed staffed residential home?** (1) To determine the rate to support a client in a licensed staffed residential home, the department assesses the client's support needs, including:

- Activities of daily living;
- Instrumental activities of daily living; and
- Behavioral and supervision supports.

(2) Children are entitled to appropriate educational services including, to the extent possible, participating in a full school day. The department must not pay a provider for any hours the client is in school.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0170, filed 11/7/18, effective 12/8/18. 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 the department determine the rate to support a medically fragile client in a group care facility?** The department pays a group care facility a DDA-established, per-person, monthly rate to support a medically fragile client.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0175, filed 11/7/18, effective 12/8/18. Statutory Authority: RCW 74.13.750 [74.13.350]. WSR 07-15-003, § 388-826-0175, filed 7/6/07, effective 8/6/07.]

**WAC 388-826-0200 What happens if a licensed provider terminates a client's out-of-home placement?** If a licensed provider terminates a client's out-of-home placement:

(1) The child must return to the parent or legal guardian's care unless:

(a) Taken into custody under RCW 13.34.050 or 26.44.-050;

(b) Placed in shelter care under RCW 13.34.060; or

(c) Placed in foster care under RCW 13.34.130;

(2) The provider must:

(a) Notify the client's parent or legal guardian, the department, and the client's school in writing at least thirty days before the termination; and

(b) Develop a transition plan; and

(3) The department assesses the client's health and welfare needs, and may authorize supports to the family while a new out-of-home placement is identified.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0200, filed 11/7/18, effective 12/8/18. 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 388-826-0205 What happens when a client, parent, or legal guardian requests a different provider?**

(1) A client, parent, or legal guardian requesting a change in provider must:

(a) Notify the DDA social worker and provider; and

(b) Determine if current services can be modified to meet the client's need.

(2) If services cannot be modified to meet the client's need, alternative residential options may be explored.

(a) The client may return home until a new placement is identified; or

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(b) The client may remain in the current placement until a new provider is identified.

(3) The department may request a court review and a guardian ad litem to represent the best interest of the child.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0205, filed 11/7/18, effective 12/8/18.]

**WAC 388-826-0230 What happens after a client turns eighteen?** A client who turns eighteen while in voluntary out-of-home placement may remain there until their twenty-first birthday if:

(1) They pursue a high school or equivalency course of study (GED/HSEC) or vocational program;

(2) A voluntary placement agreement is signed by the client or their legal guardian; and

(3) The client can self-administer medication or they receive nurse delegation services.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0230, filed 11/7/18, effective 12/8/18. 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 Who may appeal a department action?** (1) A client, the client's parent, or the client's authorized representative may appeal any decision under RCW 71A.10.050 or WAC 388-825-120.

(2) A request may be made orally or in writing.

(3) An appellant must request an administrative hearing no more than ninety days after the date they received notification of the disputed decision.

(4) An appellant must request an administrative hearing within the ten-day notice period under WAC 388-458-0040 if the client wishes to receive continued benefits under WAC 388-825-145.

[Statutory Authority: RCW 71A.12.030 and 74.13.350. WSR 18-23-004, § 388-826-0240, filed 11/7/18, effective 12/8/18. 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.]