Chapter 388-70 WAC

CHILD WELFARE SERVICES—FOSTER CARE—ADOPTION SERVICES—SERVICES TO UNMARRIED PARENTS

WAC
388-70-014 Eligibility for foster care—Need. [Order 1123, § 388-70-014, filed 6/7/76; Order 1040, § 388-70-014, filed 8/7/75; Order 965, § 388-70-014, filed 8/2/74; Order 913, § 388-70-014, filed 3/17/74.] Repealed by WSR 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.


388-70-016 Placement of child in foster care. [Order 1138, § 388-70-016, filed 7/29/76; Order 1123, § 388-70-016, filed 6/7/76; Order 965, § 388-70-016, filed 8/2/74; Order 913, § 388-70-016, filed 3/17/74.] Repealed by WSR 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.

388-70-017 Rights of natural parents of child. [Order 1123, § 388-70-017, filed 6/7/76; Order 913, § 388-70-017, filed 3/17/74.] Repealed by WSR 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.


Responsibility of foster parents. [Order 913, § 388-70-019, filed 3/17/74.] Repealed by WSR 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.

Services offered. [Regulation 70.020, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.

Payment of foster care. [Statutory Authority: RCW 74.08.090 and 1979 c 155. WSR 79-10-026 (Order 1451), § 388-70-022, filed 2/3/82; WSR 78-09-098 (Order 1335), § 388-70-024, filed 9/1/78; Order 1123, § 388-70-024, filed 6/7/76; Order 1040, § 388-70-024, filed 8/7/75; Order 1020, § 388-70-024, filed 4/29/75; Order 913, § 388-70-024, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

Payment of foster care—Effective date. [Statutory Authority: RCW 74.12.340. WSR 82-16-064 (Order 1849), § 388-70-024, filed 7/30/82. Statutory Authority: RCW 74.08.090. WSR 82-04-070 (Order 1753), § 388-70-024, filed 2/3/82; WSR 78-09-098 (Order 1335), § 388-70-024, filed 9/1/78; Order 1123, § 388-70-024, filed 6/7/76; Order 1040, § 388-70-024, filed 8/7/75; Order 1020, § 388-70-024, filed 4/29/75; Order 913, § 388-70-024, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.


Application and requests for child welfare services. [Regulation 70.030, filed 3/22/60.] Repealed by Order 623, filed 10/27/71.

Foster parent liability fund. [Statutory Authority: RCW 74.13.109 and 74.08.090. WSR 82-06-001 (Order 1764), § 388-70-013, filed 2/18/82. Statutory Authority: RCW 74.13.031.

388-70-019 Foster care—Duration of service. [Order 623, § 388-70-019, filed 3/17/74.] Repealed by WSR 78-09-098 (Order 1335), filed 9/1/78. Statutory Authority: RCW 74.08.090.

388-70-020 Local Indian child welfare advisory committee—Purpose. [Order 913, § 388-70-020, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-021 Local Indian child welfare advisory committee—Membership. [Order 913, § 388-70-021, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-022 Local Indian child welfare advisory committee—Sub-committees. [Order 913, § 388-70-022, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-023 Local Indian child welfare advisory committee—Functions. [Order 913, § 388-70-023, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-024 Local Indian child welfare advisory committee—Meetings. [Order 913, § 388-70-024, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-025 Local Indian child welfare advisory committee—Confidentiality. [Order 913, § 388-70-025, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-026 Local Indian child welfare advisory committee—Purposes. [Order 913, § 388-70-026, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-027 Local Indian child welfare advisory committee—Authorization for foster care placement. [Statutory Authority: RCW 74.08.090. WSR 82-16-064 (Order 1849), § 388-70-027, filed 7/30/82. Statutory Authority: RCW 74.08.090. WSR 82-06-001 (Order 1764), § 388-70-013, filed 2/18/82. Statutory Authority: RCW 74.13.013.

388-70-028 Local Indian child welfare advisory committee—Sub-committees. [Order 913, § 388-70-028, filed 3/17/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-029 Foster care—Definitio...
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388-70-042 Foster care—Payment standards—Foster family care. [Order 913, § 388-70-042, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.


388-70-046 Foster care—Authorization for placement to kinship caretaker. [Order 913, § 388-70-046, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-047 Foster care—Payment standards—Foster family care—Child with special needs. [Statutory Authority: RCW 74.08.090. WSR 74.08.090. WSR 85-13-062 (Order 2242), § 388-70-047, filed 6/18/85; WSR 81-09-042 (Order 1634), § 388-70-047, filed 4/15/81; WSR 79-11-085 (Order 1445), § 388-70-047, filed 10/24/79; WSR 78-09-098 (Order 1335), § 388-70-047, filed 12/29/77, effective 2/1/78; Order 1149, § 388-70-047, filed 8/26/76; Order 1052, § 388-70-047, filed 9/10/75; Order 963, § 388-70-047, filed 8/19/74; Order 913, § 388-70-047, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.


388-70-049 Foster care—Payment standards. [Statutory Authority: RCW 74.08.090. WSR 78-09-098 (Order 1335), § 388-70-049, filed 9/17/81; Order 1052, § 388-70-049, filed 8/26/76; Order 963, § 388-70-049, filed 8/19/74; Order 913, § 388-70-049, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-050 Foster care—Authorization for placement to related person. [Order 913, § 388-70-050, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-051 Foster care—Authorization for placement to related person. [Order 913, § 388-70-051, filed 9/17/81; Order 924, § 388-70-051, filed 4/15/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.


388-70-053 Foster care—Payment standards—Foster family care. [Statutory Authority: RCW 74.08.090. WSR 80-12-005 (Order 1534), § 388-70-053, filed 10/27/71.] Repealed by WSR 85-13-062 (Order 2242), § 388-70-053, filed 6/18/85; WSR 78-09-098 (Order 1335), § 388-70-054, filed 10/31/79; Order 1123, § 388-70-054, filed 6/7/76; Order 965, § 388-70-054, filed 8/29/75; Order 1016, § 388-70-080, filed 9/6/92; Order 913, § 388-70-080, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.

388-70-054 Foster care—Authorization for placement to related person. [Order 913, § 388-70-054, filed 3/1/74.] Repealed by WSR 01-08-047, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 74.13.031.
Child Welfare—Foster Care—Adoption

(3/30/01)

WAC 388-70-091 Foster care planning for Indian children—Definitions. For the purposes of these rules, the term "Indian" includes the following groups:

(1) An enrolled Indian:
(a) Any person who is enrolled or eligible for enrollment in a recognized tribe.
(b) Any person determined, or eligible to be found, to be an Indian by the Secretary of the Interior.
(c) An Eskimo, Aleut or other Alaskan native.

(2) A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(3) An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.

WAC 388-70-092 Foster care for Indian children—Tribal sovereignty. Neither the licensing of Indian foster homes nor the placement and supervision of Indian children within the exterior boundaries of an Indian reservation, shall in any way abridge the sovereignty of an Indian nation or tribe nor shall compliance with these rules and regulations be deemed a relinquishment of sovereign authority by an Indian nation or tribe or by the state of Washington.

WAC 388-70-093 Foster care for Indian children—Services. Documented efforts shall be made to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage. Consequently:

(1) In the case of Indian children being placed in foster care by the department or for whom the department has supervisory responsibility, the local Indian child welfare advisory committee, predesignated by a tribal council, or appropriate urban Indian organization shall be contacted.
appropriate urban Indian and Alaskan native consultants, Indian children through coordination with tribal, Indian training programs designed to meet the special needs of Indian foster children and in the functions of the local Indian child welfare advisory committees.

388-70-450  Adoptive planning for Indian children by department staff. (1) Definitions: For the purposes of these rules the term "Indian" includes the following groups:

(a) Enrolled Indian
(b) Canadian Indian: A person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.
(c) Unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized tribe or urban Indian/Alaskan native community organization.
(2) An adoptive family shall be considered Indian if one or both parents are Indian by the above definitions.
(3) In adoptive planning for Indian children, the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities shall be recognized. When consistent with the wishes of the biological parents and/or the child, the adoption of Indian children by Indian families is the primary goal.
(4) Standards implementing the policy are:
   (a) Adoption exchange. In the referrals for an Indian child, adoptive homes having the following characteristics shall be given preference in the following order, each category being allowed 30 days before proceeding to the next.
      (i) A Washington Indian family considering tribal cultural differences.
      (ii) An Indian family from elsewhere in the United States or Canada through the adoption resource exchange of North America. Attention shall be given to matching the child's tribal cultural heritage with the child's own cultural heritage.
      (iv) Any other family which can provide a stable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage.
   (b) Foster parent adoptions: As a part of the total evaluation for approving a foster parent adoption of an Indian child, ESSO service staff shall document the foster family's past performance and future commitment in exposing the child to the foster parent family's cultural heritage. Attention shall be given to matching the child's cultural heritage with the child's adoptive family.
   (c) When an Indian child, in the custody of an out-of-state agency, is referred for potential adoptive parents residing in Washington, documentation shall be obtained that assures the department's standards for planning for Indian children have been complied with.

(5) Local staff shall consult with an Indian child welfare committee in planning for placement of Indian children.

[Order 1167, § 388-70-450, filed 10/27/76.]

WAC 388-70-600  Local Indian child welfare advisory committee—Purpose. The intent of WAC 388-70-096, 388-70-450, and 388-70-600 through 388-70-640 is to ensure protection of the Indian identity of Indian children, their

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rights as Indian children, and the maximum utilization of available Indian resources for Indian children. To ensure the realization of this intent, information about each current and future case involving Indian children for whom the department of social and health services has a responsibility shall be referred to a local Indian child welfare advisory committee on an ongoing basis according to procedures which recognize the privacy rights of the families.

The purposes of local Indian child welfare advisory committees are:

1. To promote relevant social service planning for Indian children.
2. To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the department of social and health services.
3. To assist in obtaining participation by representatives of tribal governments and Indian organizations in departmental planning for Indian children for whom the department has a responsibility.

[Order 1167, § 388-70-600, filed 10/27/76.]

WAC 388-70-610 Local Indian child welfare advisory committee—Membership. Local Indian child welfare committees shall be established within each region. The number and locations of the local committees shall be mutually determined by the Indian tribal governments and urban Indian organizations served by that region and the DSHS regional administrator.

1. The committee shall consist of representatives designated by tribal government and urban Indian organizations. The regional administrator shall appoint committee members from among those individuals designated by Indian authorities. These members should be familiar with and knowledgeable about the needs of children in general as well as the particular needs of Indian children residing in the service area.

2. The committee may also include bureau of Indian affairs and/or Indian health service staff if approved by participating tribal councils and urban Indian organizations.

3. The DSHS regional administrator and/or the ESSO administrator shall appoint a member of his child welfare supervisory staff as a liaison member of the committee.

4. The local Indian child welfare advisory committee is an ad hoc advisory committee not specifically authorized by statute. As such its members are not entitled to per diem and travel expenses for the performance of advisory committee functions. This rule shall not be construed, however, to prohibit expense payments to members who are otherwise qualified for and perform services compensable under other programs such as the volunteer programs.

[Order 1167, § 388-70-610, filed 10/27/76.]

WAC 388-70-620 Local Indian child welfare advisory committee—Functions. (1) The functions of the local Indian child welfare advisory committee are:

a. Assistance to DSHS staff in cooperative planning for Indian children.

b. Consultation to DSHS staff regarding the provision of adoption, foster care and child protective services on behalf of Indian children.

c. Reviewing the situations of Indian children.

d. Assisting in the implementation of recommended plans.

e. Assisting in the recruitment of and making recommendations regarding the licensing of foster and adoptive homes for Indian children and providing culturally relevant services to Indian children.

f. Requests the ESSO administrator to initiate reviews of casework decisions that the committee believes to be detrimental to the best interests of Indian children.

g. Acts in an advisory capacity to the regional administrator and ESSO administrator regarding the department's implementation and monitoring of the rules related to foster care, child protection, and adoption services to Indian children and their families.

[Order 1167, § 388-70-620, filed 10/27/76.]

WAC 388-70-630 Local Indian child welfare advisory committee—Meetings. Each committee and the regional administrator and/or ESSO administrator will mutually agree as to time, place and frequency and conduct of official committee meetings.

[Order 1167, § 388-70-630, filed 10/27/76.]

WAC 388-70-640 Local Indian child welfare advisory committee—Confidentiality. The members of the local child welfare advisory committee shall agree to abide by RCW 74.04.060 and the rules of confidentiality binding the DSHS staff.

[Statutory Authority: RCW 74.15.030. WSR 89-05-063 (Order 2743), § 388-70-640, filed 2/15/89; Order 1167, § 388-70-640, filed 10/27/76.]

WAC 388-70-615 Local Indian child welfare advisory committee—Subcommittees. Each committee may appoint a subcommittee of permanent members to participate in reviewing the situation of an individual child or children for the purpose of recommending future planning actions.

[Order 1167, § 388-70-615, filed 10/27/76.]

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