

**Chapter 110-50 WAC
CHILD WELFARE**

(Formerly: Chapters 388-25 and 388-200 WAC)

Last Update: 11/30/23

WAC

110-50-0002 Which is the deciding authority if another WAC rule or the provisions of the Administrative Procedure Act conflict with the information in this chapter?

PLACEMENT

110-50-0010 What are the department's placement priorities?
110-50-0020 What are the department's limitations on placement?
110-50-0030 What are the department's placement procedures for an infant residing in foster care with the infant's teen parent?
110-50-0040 Under what circumstances may the department provide foster care for educational purposes?
110-50-0050 What is the agency's goal as to the maximum number of children who remain in foster care in excess of twenty-four months?
110-50-0060 What must a parent do to place the child in foster care with the department?
110-50-0070 Under what circumstances may a parent sign a consent for voluntary placement of a child in foster care with the department?
110-50-0080 How long may a voluntary placement last with the department?
110-50-0090 May the department grant an exception to the length of stay in voluntary placement?
110-50-0100 What are the department's obligations regarding children placed by the department between states?
110-50-0110 What are the standards for use and reimbursement of receiving home care?
110-50-0120 What are the types of receiving homes and what children are served in them?
110-50-0130 Who decides on the number of receiving homes needed in an area?
110-50-0140 How long may a child stay in a receiving home?
110-50-0150 What are the rates for reimbursement to receiving home providers?
110-50-0160 How are rates authorized for reimbursement to receiving home providers?
110-50-0170 Under what circumstances does the department choose a relative as the placement for a child in need of out-of-home care?
110-50-0180 Under what circumstances may a relative not be considered as a placement option for a child?
110-50-0190 What sources of financial support are available to a relative caring for a child that the department has placed in the relative's home?
110-50-0200 How does the department treat relatives of specified degree with legally free children?
110-50-0210 When may the department serve a child through a behavior rehabilitation services program?
110-50-0220 What is the department's authority to remove a child from a behavior rehabilitation services placement?
110-50-0230 Child placing agency (CPA) expectations.
110-50-0240 CPA reimbursement.
110-50-0250 CPA contractual requirements.
110-50-0271 How long may a child served by the department remain in out-of-home placement before a court hearing is held?
110-50-0272 What are the training requirements for licensed foster parents?
110-50-0273 Gifts, bequests by will, and contributions.

CHILD SUPPORT

110-50-0280 What is the parents' obligation to support their child in foster care?
110-50-0290 Who has authority to recommend or negotiate amounts for parental participation in the cost of foster care?
110-50-0300 When will cases be referred to the division of child support (DCS)?
110-50-0320 What constitutes good cause for not pursuing the collection or establishment of child support or paternity?
110-50-0330 Does the division of child support pursue collection or establish child support or paternity on cases in which good cause has been determined?
110-50-0340 Who may request a good cause determination?
110-50-0350 When may a good cause determination be requested?
110-50-0360 To whom must parents send child support payments for their child in foster care?
110-50-0370 Under what circumstances must child care judgment and limited power of attorney for parental support payments be assigned to the department?

FOSTER CARE RATE ASSESSMENT
LEGAL BASIS, PURPOSE, AND DEFINITIONS

110-50-0400 Legal basis for the foster care program.
110-50-0410 Purpose.
110-50-0420 Definitions for foster care rate assessment (FCRA).

REIMBURSEMENT

110-50-0430 Financial requirements of the department.
110-50-0440 Foster care maintenance payment and standardized assessment tool.
110-50-0450 Using the standardized assessment tool to determine foster care reimbursement levels.
110-50-0460 Reimbursement to foster families that reside in or move to another state.
110-50-0470 Payments to relative caregivers and suitable persons.
110-50-0480 Starting foster care maintenance payments.
110-50-0490 Terminating foster care maintenance payments.
110-50-0500 Foster parents' level notification.

DEPARTMENT REVIEW OF FOSTER CARE MAINTENANCE RATE

110-50-0510 Requesting a department review of the foster care rate level.
110-50-0520 Department review of the foster care rate level.
110-50-0530 Foster parents' notification of department review.

ADMINISTRATIVE HEARINGS

110-50-0540 Foster parents' right to appeal.
110-50-0550 Scope of administrative hearing.

OVERPAYMENT

110-50-0740 What standards must the department apply to contracted and noncontracted service providers and vendors when the department has identified an overpayment to the provider or vendor?
110-50-0750 Do vendor overpayment rules in this chapter also apply to adoptive parents?
110-50-0760 Are there time limitations on identifying and recovering an overpayment?
110-50-0770 May overpayments be waived or forgiven?
110-50-0780 Do other governmental organizations have the right to an adjudicative hearing?
110-50-0790 What steps must a provider or vendor take when requesting an administrative hearing in regards to an overpayment?
110-50-0800 When is payment due on an overpayment?
110-50-0810 Who establishes guidelines to identify overpayments and to mediate overpayment disputes?

FOSTER PARENT LIABILITY FUND

110-50-0900 What is the foster parent liability fund?
110-50-0910 What is the period of coverage for foster parent liability fund?
110-50-0920 Who is eligible for coverage under the foster parent liability fund?
110-50-0930 What are the limits of coverage under the foster parent liability fund?
110-50-0940 The department excludes what claims from coverage under the foster parent liability fund?
110-50-0950 What if there are multiple claims for one occurrence under the foster parent liability fund?
110-50-0960 May another source be used to recover on the same claim paid by the liability fund?
110-50-0970 What are the department's authority and the foster parent's responsibilities regarding investigation of claims?

FOSTER PARENT PROPERTY DAMAGE REIMBURSEMENT

110-50-1000 What are the department's responsibilities and limitations for reimbursement for damage or loss caused by a child in family foster care?
110-50-1010 What are the eligibility requirements for reimbursements to foster parents for damages?
110-50-1020 What are the department's reimbursement limitations?
110-50-1030 What types of claims are specifically excluded from reimbursement?
110-50-1040 What is the procedure for filing a claim?
110-50-1050 Which office within the department determines damage reimbursement?
110-50-1060 How are exception requests made?
110-50-1070 What claims may the department deny?
110-50-1080 What must a foster parent do to have a denied claim reconsidered?
110-50-1090 Will the department investigate claims?

JUVENILE RECORDS

110-50-1100 What are the department's responsibilities for management of juvenile records?
110-50-1110 To whom may the department release records?
110-50-1120 Under what circumstances may the department exclude or deny information from release unless authorized by law or court order?
110-50-1130 What may a juvenile or the juvenile's parent do if the department denies access to information?
110-50-1140 What are the requirements for release of foster parents' licensing records?

STATE SUPPLEMENTARY PAYMENT PROGRAM

110-50-1200 How does the department treat resources and unearned income of a child in foster care?
110-50-1210 Who receives veterans' benefits for children in foster care?
110-50-1220 What is the state supplementary payment (SSP) that is administered by the children's administration (CA)?
110-50-1230 What are the eligibility requirements for the CA/SSP program?
110-50-1240 When will my eligibility for CA/SSP be determined?
110-50-1250 How will I know if I am eligible to receive a CA/SSP payment?
110-50-1260 Can I apply for the CA/SSP program if I am not identified by CA as eligible for the CA/SSP program?
110-50-1270 What are my appeal rights if CA determines that I am not eligible for CA/SSP?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

110-50-0260 What steps must the department take when a child whose case management responsibility remains with the department is placed in a home certified by a CPA? [WSR 18-14-078, recodified as § 110-50-0260, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0420, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.
110-50-0270 What activities must a child placing agency provide in order to receive payment from the department? [WSR 18-14-078, recodified as § 110-50-0270, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0425, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.
110-50-0310 Does children's administration refer foster care cases to the division of child support where good cause exists? [WSR 18-14-078, recodified as § 110-50-0310, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020. WSR 05-06-091, § 388-25-0226, filed 3/1/05, effective 4/1/05.] Repealed by WSR 23-04-082 and 23-06-045, filed 1/31/23 and 2/24/23, effective 3/3/23. Statutory Authority: RCW 74.20.040.

110-50-0560 What does the department consider in reviewing the request? [Statutory Authority: RCW 74.13.031. WSR 19-16-094, § 110-50-0560, filed 8/1/19, effective 9/1/19. WSR 18-14-078, recodified as § 110-50-0560, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0067, filed 7/28/09, effective 8/28/09.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0570 How does the foster parent learn about the department's decision on review? [WSR 18-14-078, recodified as § 110-50-0570, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0072, filed 7/28/09, effective 8/28/09.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0580 To whom does the department make payment for foster care? [WSR 18-14-078, recodified as § 110-50-0580, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0075, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0590 How does the foster parent appeal the department's decision on review? [Statutory Authority: RCW 74.08.080 and 74.09.741. WSR 23-12-037, § 110-50-0590, filed 5/30/23, effective 7/1/23. WSR 18-14-078, recodified as § 110-50-0590, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0077, filed 7/28/09, effective 8/28/09.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0600 What law and rules govern the administrative law judge? [WSR 18-14-078, recodified as § 110-50-0600, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0082, filed 7/28/09, effective 8/28/09.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0610 What issues may be decided by the administrative law judge? [WSR 18-14-078, recodified as § 110-50-0610, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0087, filed 7/28/09, effective 8/28/09.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0620 What are the department's expectations for foster care providers to whom the department makes reimbursement for services? [WSR 18-14-078, recodified as § 110-50-0620, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0090, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0630 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes? [WSR 18-14-078, recodified as § 110-50-0630, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 18-07-062, § 388-25-0100, filed 3/15/18, effective 4/15/18; WSR 01-08-047, § 388-25-0100, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0640 What is the effective date for payment of foster care? [WSR 18-14-078, recodified as § 110-50-0640, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0105, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0650 What is the beginning date for payment of foster care? [WSR 18-14-078, recodified as § 110-50-0650, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0107, filed 7/28/09, effective 8/28/09.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0660 What is the effective date for termination of foster care payments? [WSR 18-14-078, recodified as § 110-50-0660, 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, § 388-25-0110, filed 6/30/16, effective 7/31/16; WSR 14-13-051, § 388-25-0110, 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, § 388-25-0110, filed 3/25/13, effective 4/25/13. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0110, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0670 What are the department's general standards for family foster care reimbursement? [WSR 18-14-078, recodified as § 110-50-0670, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0115, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0680 When may the department authorize a clothing allowance for a child in out-of-home care? [WSR 18-14-078, recodified as § 110-50-0680, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0125, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0690 May the department consider foster care payments to the foster family in determining eligibility for public assistance? [WSR 18-14-078, recodified as § 110-50-0690, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0185, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0700 What are the department's standards for making foster care payment to a relative providing care to the child served by department? [WSR 18-14-078, recodified as § 110-50-0700, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0190, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0710 How does the department make reimbursement for foster care for a child served by the department who moves out-of-state with the foster family? [WSR 18-14-078, recodified as §

110-50-0710, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0195, filed 7/28/09, effective 8/28/09. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0195, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0720 What payment procedures must the department follow for children placed across state borders? [Statutory Authority: RCW 74.13.031. WSR 19-16-094, § 110-50-0720, filed 8/1/19, effective 9/1/19. WSR 18-14-078, recodified as § 110-50-0720, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0200, filed 7/28/09, effective 8/28/09. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0200, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

110-50-0730 What limitations exist on administrative hearings regarding foster care payments? [WSR 18-14-078, recodified as § 110-50-0730, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0250, filed 3/30/01, effective 4/30/01.] Repealed by WSR 23-24-040, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 43.216.065 and 74.13.031.

WAC 110-50-0002 Which is the deciding authority if another WAC rule or the provisions of the Administrative Procedure Act conflict with the information in this chapter? The Administrative Procedure Act, chapter 34.05 RCW, chapter 388-02 WAC, and this chapter govern the proceeding. The provisions in this chapter govern if a conflict exists in chapter 388-02 WAC. Chapter 34.05 RCW is the overall governing authority.

[WSR 18-14-078, recodified as § 110-50-0002, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0290, filed 3/30/01, effective 4/30/01.]

PLACEMENT

WAC 110-50-0010 What are the department's placement priorities? Within the limits of available financial resources, the department provides placement services to children according to the following ordered priorities:

(1) The department must place children who urgently need protection from child abuse or neglect (CA/N) if the department has legal authority for placement consistent with WAC 388-25-0025.

(2) The department may place children whose mental, emotional, behavioral or physical needs present a risk to their safety and resources do not exist within the family to provide for those needs.

[WSR 18-14-078, recodified as § 110-50-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0015, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0020 What are the department's limitations on placement? Children's administration (CA) social workers must place only those children who meet the criteria for child protective services (CPS), family reconciliation services (FRS), or child welfare services as defined in RCW 74.13.020. Children in situations outlined below do not meet those criteria:

(1) Children whom the CA social worker determines, after assessment, will not be helped in out-of-home care.

(2) Youths ages twelve through seventeen years of age in conflict with their parents and who have not received family reconciliation

services, except families receiving adoption support that have already received extensive counseling services.

(3) Youths ages twelve through seventeen years of age whose family has received family reconciliation services and parents are unwilling to have the youths at home solely due to misbehavior.

(4) Youths for whom the primary placement issue is community protection, including sexual predators covered by the sexually aggressive youth (SAY) statute, RCW 74.13.075.

(5) Youths who are unwilling to live in the home of parents who are willing to have them at home, when this is the only presenting problem.

(6) Youths who have a mental illness and are a danger to themselves or others as defined by a mental health professional (see chapter 71.34 RCW).

[WSR 18-14-078, recodified as § 110-50-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0020, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0030 What are the department's placement procedures for an infant residing in foster care with the infant's teen parent?

(1) When a teen parent and infant reside in the same facility, the infant's "home" is considered to be the infant's parent's home. Maintenance payments for the teen parent must be increased to provide for the maintenance of the infant. A legal authorization-to-be-placed is not required in order to include an amount sufficient for the infant's maintenance or to issue medical coupons for the infant.

(2) For protection of the infant, a dependency order placing the child in temporary custody of the department may be appropriate. Even if dependency is established, a legal authorization-to-be placed must be obtained to keep the infant in out-of-home care should the teen parent placement setting change so as not to include the infant.

[WSR 18-14-078, recodified as § 110-50-0030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0065, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0040 Under what circumstances may the department provide foster care for educational purposes?

(1) The department may provide licensed foster care for a child with physical or mental disabilities when requested by a school district and in concurrence with the wishes of the parents, in accordance with WAC 388-25-0030.

(2) The department will not make the payment when the only need for foster care arises from the need for an education. The department will only pay the cost of foster care when one of the conditions of WAC 388-25-0030 applies.

[WSR 18-14-078, recodified as § 110-50-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0175, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0050 What is the agency's goal as to the maximum number of children who remain in foster care in excess of twenty-four months? The placement goal for the foster care program is to limit

the number of all children who remain in care in excess of twenty-four months to no more than thirty-five percent of the foster care population.

[WSR 18-14-078, recodified as § 110-50-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 34.05.353 and 74.13.055. WSR 03-14-062, § 388-25-0018, filed 6/25/03, effective 7/26/03.]

WAC 110-50-0060 What must a parent do to place the child in foster care with the department? A child's parent may sign a Voluntary Placement Agreement (VPA), DSHS 09-004B(X), to voluntarily place a child in foster care. The consent for voluntary placement must agree with child welfare services as described under RCW 74.13.031. The consent becomes valid when signed by a representative of children's administration.

[WSR 18-14-078, recodified as § 110-50-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0050, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0070 Under what circumstances may a parent sign a consent for voluntary placement of a child in foster care with the department? (1) If alternative placement resources, including social supports in the family home, have been considered and eliminated; and
(2) The department agrees that the child needs to be placed; then
(3) A child's parent may sign a consent for voluntary placement of a child in foster care (if the child is Native American refer to the Indian Child Welfare Act):
(a) If the child and a parent cannot agree to the child's return home but do agree to the child's placement out of the home; or
(b) When a parent is unable to care for a child.

[WSR 18-14-078, recodified as § 110-50-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0045, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0080 How long may a voluntary placement last with the department? A voluntary placement must last no longer than one hundred eighty days. By the end of one hundred eighty days, the child must return to the child's parent or guardian unless the juvenile court has made a judicial determination that:
(1) Return to the parent or guardian is contrary to the welfare of the child; and
(2) Continued placement in foster care is in the best interest of the child.

[WSR 18-14-078, recodified as § 110-50-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0055, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0090 May the department grant an exception to the length of stay in voluntary placement? (1) The DCFS regional adminis-

trator or the regional administrator's designee may grant exceptions to the one hundred eight-day limit on voluntary placements only:

(a) If the department conducts an administrative review fulfilling the requirements of Title 42, United States Code (U.S.C.), chapter 675, section 475, and the review chairperson recommends continuation of voluntary placement; and

(b) If a specific date within six months is scheduled for the child to return home; or

(c) The child is seventeen years of age or older.

(2) Exceptions which cause the child to remain in care for longer than twelve months require a court review hearing that meets the dispositional and permanency plan hearing requirements of 42 U.S.C. 675, section 475.

[WSR 18-14-078, recodified as § 110-50-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0060, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0100 What are the department's obligations regarding children placed by the department between states? The department must comply with the interstate compact on the placement of children (ICPC) in the interstate placement of children (see chapter 26.34 RCW).

[WSR 18-14-078, recodified as § 110-50-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0440, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0110 What are the standards for use and reimbursement of receiving home care? The department or a child placing agency uses receiving homes to place a child in a licensed family foster home on a temporary, emergent, or interim basis to provide sufficient time for the development of a plan. This planning includes the involvement of the child, the child's parent(s), and the child's extended family whenever possible.

(1) A DCFS regional administrator must designate family foster homes which are to receive child placements twenty-four hours per day. These homes provide care for children on a temporary, emergent, or interim basis as regular or specialized receiving homes.

(2) If the regional administrator designates a receiving home to be available on a twenty-four-hour basis, the regional administrator must specify this designation in a written agreement with the foster parent. Regular foster homes may also agree to accept children on an emergent basis.

[WSR 18-14-078, recodified as § 110-50-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0130, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0120 What are the types of receiving homes and what children are served in them? There are two types of receiving homes: Regular and specialized. Each type of home provides the following services:

(1) Regular receiving homes for children age birth through age seventeen; and

(2) Specialized receiving homes for children who require more intensive supervision than normally provided to children in foster care. The child may require more intensive supervision due to behavioral problems, developmental disability, emotional disturbance, erratic and unpredictable behavior or medical condition (not on personal care or medically intensive DDD program).

[WSR 18-14-078, recodified as § 110-50-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0135, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0130 Who decides on the number of receiving homes needed in an area? Each DCFS regional administrator must decide on the number of receiving homes needed for the regional administrators' respective geographical areas.

[WSR 18-14-078, recodified as § 110-50-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0140, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0140 How long may a child stay in a receiving home?

(1) The department limits a child's maximum length of stay in a receiving home:

(a) Maximum length of stay for regular receiving homes is thirty consecutive days per placement;

(b) Maximum length of stay for specialized receiving homes is fifteen-consecutive days per placement.

(2) The DCFS regional administrator or the administrator's designee may approve extensions of a child's stay in a licensed family foster home paid at a receiving care rate beyond the limits contained in subsection (1) of this section.

[WSR 18-14-078, recodified as § 110-50-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0145, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0150 What are the rates for reimbursement to receiving home providers? The current reimbursement rates, effective July 1, 2000, to receiving homes are:

Type of Home	Monthly Retention Fee - Per Bed	Daily Rate per Child in Care
Regular receiving (all ages)	\$51.12	\$19.06
Special receiving, ages 12-17	\$102.99	\$26.08

[WSR 18-14-078, recodified as § 110-50-0150, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0150, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0160 How are rates authorized for reimbursement to receiving home providers? (1) The DCFS regional administrator or the administrator's designee may authorize payments in excess of the standard for individual child-specific situations. The department may, within available funds, purchase clothing and personal incidentals for the child in receiving home care as needed.

(2) The department does not pay the receiving home rate if the child is expected to stay in this placement for longer than thirty days.

(3) The department may make reimbursement for assessment and interim care through the behavior rehabilitative services program.

(4) The department may, at the direction of the DCFS regional administrator or designee, use qualified, contracted behavior rehabilitative services to provide assessment or interim care for children and youth requiring that level of care as determined by the CA social worker. Unless the department and the provider make an alternate agreement, the department must pay for contracted rehabilitative services at the facility's contracted daily rate for interim or assessment care.

[WSR 18-14-078, recodified as § 110-50-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0155, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0170 Under what circumstances does the department choose a relative as the placement for a child in need of out-of-home care? (1) When the department determines that a child needs to be placed outside the home, the department must search for appropriate relatives to care for the child before considering nonrelative placements. See RCW 74.15.020 for the definition of "relative."

(2) The department reviews and determines the following when selecting a relative placement:

(a) The child would be comfortable living with the relative;

(b) The relative has a potential relationship with the child;

(c) The relative is capable of caring for the child and is willing to cooperate with the permanency plan for the child;

(d) The relative is able to provide a safe home for the child;

(e) Each child has his or her own bed or crib if the child remains in the home beyond thirty days.

(3) The department may consider nonrelated family members as potential resources, if these family members become licensed to provide foster care (see RCW 74.15.030).

[WSR 18-14-078, recodified as § 110-50-0170, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0445, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0180 Under what circumstances may a relative not be considered as a placement option for a child? The department may exclude relatives who have criminal histories as included in the Adoption and Safe Families Act (ASFA) regulations.

(1) If the department finds that, based on a criminal records check, a court of competent jurisdiction has determined that the relative or a member of the household has been convicted of a felony involving:

- (a) Child abuse or neglect;
 - (b) Spousal abuse;
 - (c) A crime against a child or children (including child pornography); or
 - (d) Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
- (2) The department may not approve a relative placement if the department finds the relative, or a member of the household, has, within the last five years, been convicted of a felony involving:
- (a) Physical assault;
 - (b) Battery; or
 - (c) A drug related offense.

[WSR 18-14-078, recodified as § 110-50-0180, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0450, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0190 What sources of financial support are available to a relative caring for a child that the department has placed in the relative's home? (1) For relatives needing financial support to care for the child, the social worker may assist the family to apply for temporary assistance for needy families (TANF) through the department's local community services office (CSO).

(2) Relatives who are licensed as foster parents may choose to receive foster care payments. The relative must not receive TANF benefits in behalf of the child in care while at the same time receiving foster care payments (see RCW 74.15.030).

(3) A relative who is not a licensed foster parent at the time of placement may apply to become a foster parent as described in chapter 388-148 WAC.

(4) The relative caring for the child in out-of-home placement may apply to be the representative payee for supplemental security income (SSI) or Social Security Administration benefits for the related child living with the relative. However, if the child is a dependent of the state of Washington with custody assigned to the department by the court, the department will usually remain the payee in behalf of the child until the dependency is dismissed.

[WSR 18-14-078, recodified as § 110-50-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0455, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0200 How does the department treat relatives of specified degree with legally free children? (1) The department acknowledges a continuing relationship between relatives of specified degree and children who are legally free where the relatives choose to continue a relationship with the child and the continuing relationship is in the best interest of the child (see RCW 74.15.020 for the definition of relative of specified degree).

(2) Relatives of specified degree remain legal relatives when a child becomes legally free if those relatives wish to maintain a relationship with the child and the assigned social worker determines the continuing relationship is in the best interest of the child.

(3) Department staff must treat relatives of specified degree as the department treats all relatives under the rules of ICPC and the foster care and foster family home licensing programs.

The rights of the affected relatives of specified degree do not extend beyond adoption of the child except through an open adoption agreement (see RCW 26.33.295).

[WSR 18-14-078, recodified as § 110-50-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0460, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0210 When may the department serve a child through a behavior rehabilitation services program?

(1) The department may serve a child through the behavior rehabilitation services (BRS) program only when the CA social worker has assessed the child's and family's needs and determined that rehabilitative services are necessary and that this is the most appropriate placement for the child.

(2) The department may only provide financial support for a child's BRS placement when the CA social worker has determined this level of care is necessary, the placement is in a licensed or certified home or facility, the provider meets the department's qualifications, and the department has contracted with the provider for that service.

[WSR 18-14-078, recodified as § 110-50-0210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0030, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0220 What is the department's authority to remove a child from a behavior rehabilitation services placement?

The department has the authority to remove the child after at least seventy-two hours notice to the child care provider. The department may waive notice in emergency situations or when a court has issued an order changing a child's placement.

[WSR 18-14-078, recodified as § 110-50-0220, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0035, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0230 Child placing agency (CPA) expectations. The department requires CPAs to:

- (1) Be licensed or certified under chapter 74.15 RCW.
- (2) Have a contract with the department to provide child or youth placement and related services. The department will only place and pay for services to an agency that the department has a contract with.
- (3) Document the services provided as required in their contract.
- (4) Maintain the licenses of their foster family homes, so placements of children or youth may occur.
- (5) Provide support services to the foster parents.
- (6) Be financially responsible for placement costs for a child or youth that the CPA brought from another country for adoption if the adoption is not finalized, disrupts prior to finalization, or until they reach age 18.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0230, filed 11/30/23, effective 12/31/23. WSR 18-14-078, reconfirmed as § 110-50-0230, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0430, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0240 CPA reimbursement. For licensed or certified CPAs under chapter 74.15 RCW:

- (1) The department:
 - (a) Must:
 - (i) Determine initial and ongoing eligibility for financial support;
 - (ii) Approve placements before making payments;
 - (iii) Pay a monthly service fee if the agency provides services that are in addition to supervision of children or youth or their families; and
 - (iv) Discuss the following:
 - (A) Roles of the department;
 - (B) Placement support to foster parents;
 - (C) Caregiver support plan;
 - (D) Supervision of children or youth; and
 - (E) Services the department will provide to children or youth;
 - (b) May enter into contracts with them to provide intensive treatment and supervision services to children or youth with physical, mental health, or behavioral needs. This includes:
 - (i) Assessing the needs of each child or youth;
 - (ii) Assigning a service level for each child or youth; and
 - (iii) Paying the rate provided in the contract.
 - (2) CPAs must:
 - (a) Sign and return written service agreements to the department for each child or youth accepted;
 - (b) Document and maintain documentation required in their contract to demonstrate case management and support services provided to children or youth for whom the department makes payment; and
 - (c) Provide quarterly reports to DCYF caseworkers as required in their contract for each child or youth whose placement or services the department pays for.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0240, filed 11/30/23, effective 12/31/23. WSR 18-14-078, reconfirmed as § 110-50-0240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0435, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0250 CPA contractual requirements. The department must monitor CPAs' compliance with their contract. If a CPA is found out of compliance with their contract, DCYF:

- (1) Contracts managers must follow the sanctions included in the contract with the department and the CPA.
- (2) Caseworkers must:
 - (a) Notify the fiduciary to stop agency service fee payments if the department does not receive the children's or youth's reports in the time frames outlined in the contract; and

(b) Inform their regional CPA lead when there are ongoing problems with reports or the CPA.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0250, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0250, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0415, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0271 How long may a child served by the department remain in out-of-home placement before a court hearing is held? Within seventy-two hours after a child enters care, a shelter care hearing must be held. Saturdays, Sundays and holidays are excluded in the seventy-two-hour requirement. A court order must be obtained to keep a child in shelter care for longer than thirty days.

[WSR 18-14-078, recodified as § 110-50-0271, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0040, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0272 What are the training requirements for licensed foster parents? See chapter 388-148 WAC for required training for licensed foster parents.

[WSR 18-14-078, recodified as § 110-50-0272, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0390, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0273 Gifts, bequests by will, and contributions. (1) The department may accept a gift, bequest, or contributions in cash, or otherwise, from an association or corporation.

(2) The department shall not accept a gift or contribution from a person applying for, or receiving, public assistance.

(3) The department shall not advise any person desiring information or assistance regarding the preparation of a will. The department shall advise the person to contact an attorney, or the local legal aid society.

[WSR 18-14-078, recodified as § 110-50-0273, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 94-10-065 (Order 3732), § 388-200-1250, filed 5/3/94, effective 6/3/94.]

CHILD SUPPORT

WAC 110-50-0280 What is the parents' obligation to support their child in foster care? Parents of children in foster care must provide financial support for their child in accordance with rules contained in chapter 388-14A WAC.

[WSR 18-14-078, recodified as § 110-50-0280, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0215, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0290 Who has authority to recommend or negotiate amounts for parental participation in the cost of foster care? (1) The department's division of child support determines the amount of parental financial support, except when stated in a superior court order. Chapter 74.20A RCW and chapter 388-14A WAC provide the authority and procedures for the division of child support to collect financial support from the parent to pay for a child in foster care.

(2) Only the division of child support may recommend to the court, on behalf of the department, to establish, raise, lower, release, or forgive support payments for a child placed in foster care. No other agency or staff may make agreements with parent(s) or their representatives regarding this matter.

[WSR 18-14-078, recodified as § 110-50-0290, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0220, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0300 When will cases be referred to the division of child support (DCS)? (1) The department will refer cases to DCS when a court has made a finding of abandonment as defined in RCW 13.34.030, unless good cause exists.

(2) Nothing in this section prohibits a parent, guardian, or relative from pursuing child support by contacting DCS directly.

[Statutory Authority: RCW 74.20.040. WSR 23-04-082 and 23-06-045, § 110-50-0300, filed 1/31/23 and 2/24/23, effective 3/3/23. WSR 18-14-078, recodified as § 110-50-0300, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020. WSR 05-06-091, § 388-25-0225, filed 3/1/05, effective 4/1/05. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0225, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0320 What constitutes good cause for not pursuing the collection or establishment of child support or paternity? Good cause for not pursuing the collection of child support or establishing paternity exists when:

(1) It is not in the child's or youth's best interest; and

(2) The parent or guardian, or the parent's or guardian's child or youth, spouse, or spouse's child or youth was the victim of the offense for which the child or youth was committed to the custody of the juvenile rehabilitation division (JRD) and the child or youth is being placed directly into foster care from a JRD facility until this placement episode closes;

(3) Adoption proceedings for the child or youth are pending in court or the custodial parent or guardian is being helped by a private or public agency to decide if the child or youth will be placed for adoption;

(4) The child or youth was conceived as a result of incest or rape;

(5) The juvenile or tribal court in dependency proceedings or the department finds that the parents or guardians will be unable to comply with an agreed reunification plan with the child or youth due to financial hardship caused by paying child support;

(6) The custodial parent or guardian or the child or youth may be placed in danger as a result of the presence of or potential for do-

mestic abuse perpetrated by the individual that DCS would be pursuing for collection action;

(7) The child support obligation would result in a financial hardship for parents or guardians because the child's or youth's household was low income at the time of removal; or

(8) The parent of a newborn child abandons the child by transferring the child to a qualified individual at an appropriate location, per RCW 26.20.030.

[Statutory Authority: RCW 74.20.040, WSR 23-04-082 and 23-06-045, § 110-50-0300, filed 1/31/23 and 2/24/23, effective 3/3/23. WSR 18-14-078, recodified as § 110-50-0320, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020. WSR 05-06-091, § 388-25-0227, filed 3/1/05, effective 4/1/05.]

WAC 110-50-0330 Does the division of child support pursue collection or establish child support or paternity on cases in which good cause has been determined? If children's administration determines that there is good cause the division of child support does not pursue collection or establish support or paternity on a foster care case.

[WSR 18-14-078, recodified as § 110-50-0330, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020. WSR 05-06-091, § 388-25-0228, filed 3/1/05, effective 4/1/05.]

WAC 110-50-0340 Who may request a good cause determination? The department or a parent, including an adoptive parent or legal guardian, may initiate a request for good cause determination at any time.

[WSR 18-14-078, recodified as § 110-50-0340, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020. WSR 05-06-091, § 388-25-0229, filed 3/1/05, effective 4/1/05.]

WAC 110-50-0350 When may a good cause determination be requested? A request for determination of good cause may be made at any time.

[WSR 18-14-078, recodified as § 110-50-0350, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 2004 c 183, 74.20.040, and 74.13.020. WSR 05-06-091, § 388-25-0231, filed 3/1/05, effective 4/1/05.]

WAC 110-50-0360 To whom must parents send child support payments for their child in foster care? The parents must make all payments for the benefit of the child and/or the costs for a child in out-of-home care to the division of child support, unless a court order directs payment through a clerk of the court. A clerk of the court must send payments, under a court order, to the division of child support.

[WSR 18-14-078, recodified as § 110-50-0360, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0235, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0370 Under what circumstances must child care judgment and limited power of attorney for parental support payments be assigned to the department? (1) The department must advise any person or agency having custody of the child that court ordered child support payments are to be received by the department under RCW 74.20A.030 and 74.20A.250.

(2) The person or agency having custody must acknowledge this transferred right to the department by execution of an assignment of judgment and limited power of attorney, which must remain in effect as long as the child receives foster care assistance.

[WSR 18-14-078, recodified as § 110-50-0370, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0240, filed 3/30/01, effective 4/30/01.]

FOSTER CARE RATE ASSESSMENT LEGAL BASIS, PURPOSE, AND DEFINITIONS

WAC 110-50-0400 Legal basis for the foster care program. The legal basis for the foster care program is RCW 74.13.031, which authorizes the department to provide foster care placement services.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0400, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0400, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0001, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0410 Purpose. The monthly foster care maintenance payment was established to assist licensed or certified foster parents, which includes licensed relatives and suitable persons, in meeting the needs of the children or youth placed in their care. The payment is for the benefit of the children or youth.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0410, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0410, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0003, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0420 Definitions for foster care rate assessment (FCRA). The following definitions apply to foster care rate assessments (FCRA):

"Behavior rehabilitation services" or **"BRS"** means a temporary wrap around support and treatment program for youth with extreme, high level service needs, used to safely stabilize them and assist them in achieving a permanent plan or less intensive service.

"Child placing agency" or **"CPA"** means an agency licensed to place children or youth for foster care or adoption.

"Department" or **"DCYF"** means the department of children, youth, and families.

"Foster care" means the placement of children or youth by DCYF or licensed child placing agencies in homes or facilities licensed or certified pursuant to chapter 74.15 RCW or in homes or facilities that are not required to be licensed pursuant to chapter 74.15 RCW.

"Foster home" or **"foster family home"** means individuals licensed to regularly provide a 24-hour care in their home to children or youth.

"Licensed health care provider" means a medical doctor (MD), doctor of osteopathy (DO), doctor of naturopathy (ND), physician's assistant (PA), or an advanced registered nurse practitioner (ARNP).

"Licensing division" or **"LD"** means the division of the department of children, youth, and families that licenses and monitors foster homes, child placing agencies, and licensed group care facilities under the authority of chapter 74.15 RCW.

"Relatives" means the same as defined in RCW 13.36.020(5), described in RCW 74.15.020(2), or caregivers of Indian children or youth who are defined by tribal code or custom as relatives or extended family.

"Suitable persons" means nonrelatives with whom the child or youth, or the child's or youth's family, has a preexisting relationship; who has completed all required criminal history background checks and otherwise appears to be suitable and competent to provide care for the child or youth, and with whom they have been placed pursuant to RCW 13.34.130.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0420, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0420, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0005, filed 3/30/01, effective 4/30/01.]

REIMBURSEMENT

WAC 110-50-0430 Financial requirements of the department. The department must:

- (1) Pay for placements and service plans they have approved.
- (2) Provide final approval for determining initial and ongoing eligibility for financial support.
- (3) Maintain oversight of placements and payments.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0430, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0430, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0010, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0440 Foster care maintenance payment and standardized assessment tool. (1) All children or youth placed in foster care will receive the basic foster care maintenance payment for their age cate-

gory to help cover the cost of food, clothing, shelter, and personal incidentals.

(a) The department must pay foster care maintenance payments to individuals:

(i) That are licensed or certified foster parents when children or youth are placed in their home;

(ii) Identified by the tribe when they:

(A) Take placement of children or youth; and

(B) Meet the licensing requirements of their tribe.

(b) Residing out of Washington state, when:

(i) They take placement of a Washington state child or youth;

(ii) They meet the licensing requirements of the state they reside in, per WAC 110-50-0460; and

(iii) Approval is received from both the sending and receiving state offices, per WAC 110-50-0100.

(2) The amount of the monthly foster care maintenance payment is determined using a standardized assessment tool that assesses children's and youth's needs in the following areas:

(a) Physical health;

(b) Mental health; and

(c) Behavioral needs.

(3) The standardized assessment tool must be completed to determine the rate of the foster care maintenance payment:

(a) Within 40 calendar days of the children's or youth's placement being documented in a licensed or certified foster home or relative or suitable persons home;

(b) At least every six months after the first assessment; and

(c) When there is a significant change in circumstances for children or youth.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0440, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0440, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0011, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0450 Using the standardized assessment tool to determine foster care reimbursement levels. The basic maintenance payment level 1 is paid to foster parents depending upon the ages of the children and youth. In addition, there are six levels of supplemental payments paid to foster parents who care for children or youth with varying degrees of physical, mental health, or behavioral needs that require increased effort, care, or supervision. The standardized assessment tool must be used to determine the appropriate level for payment based on available information regarding children's or youth's needs, regardless of the foster home they are placed in. Children or youth will be assessed and paid at the highest level they qualify for. Children or youth assessed at:

(1) **Level 1:** Receive the basic foster care maintenance rate. The payment is based on the child's or youth's needs, who are developing comparably to children or youth in the same age range. The payments are based on three age categories:

(a) Birth to five years old;

(b) Six to 11 years old; or

(c) Twelve to 20 years old.

(2) **Level 2:** Require more support from foster parents due to the youth being 12 years of age or older. The payment is based on the youth's needs, who are developing comparably to youth in the same age range.

(3) **Level 3:** Are diagnosed by a licensed health care provider with at least one chronic medical condition that requires more support from foster parents due to the severity of their needs. Children and youth in this level only have chronic medical conditions and do not have other conditions that would put them in a different level of care.

(4) **Level 4:** Are diagnosed by a licensed health care provider with a developmental disability that requires more support from foster parents due to the severity of their behaviors and needs. Children and youth in this level only have a diagnosed developmental disability and do not have other conditions that would put them in a different level of care.

(5) **Level 5:** Are diagnosed by a licensed health care provider with a developmental disability and have at least one chronic health condition. Children or youth in this level will not have any other conditions that would put them in a different level of care.

(6) **Level 6:** Have a current mental health diagnosis by a licensed health care provider or current prescription medication to assist with their mental health diagnosis.

(7) **Level 7:** Have complex mental health needs and need more support to help stabilize and keep the child or youth safe.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0450, filed 11/30/23, effective 12/31/23. WSR 18-14-078, re-codified as § 110-50-0450, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0016, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0460 Reimbursement to foster families that reside in or move to another state. Department caseworkers must:

(1) Arrange with other states or local social service agencies to license and supervise the homes and placements when foster families reside in or move to another state, per chapter 26.34 RCW.

(2) Obtain the reimbursement rates from receiving states and DCYF will reimburse at their rate, unless the Washington state rate is approved.

(3) Authorize payments to the out-of-state foster homes after a copy of their foster family home license is received.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0460, filed 11/30/23, effective 12/31/23. WSR 18-14-078, re-codified as § 110-50-0460, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0022, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0470 Payments to relative caregivers and suitable persons. Relative caregivers and suitable persons:

(1) Licensed or certified as family foster homes under chapter 74.15 RCW will receive foster care maintenance payments on behalf of children or youth. If the family is eligible for a nonneedy grant for the same child or youth through the department of social and health

services (DSHS) community services office (CSO), they must either receive foster care maintenance payments or nonneedy grants, but not both.

(2) Not licensed or certified for foster care, may apply for the nonneedy grant through the DSHS CSO.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0470, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0470, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0025, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0480 Starting foster care maintenance payments. The department pays foster care maintenance payments for:

(1) Children and youth beginning on the date the department places them in a licensed or certified foster home.

(2) Each night children or youth reside in foster homes.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0480, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0480, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0027, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0490 Terminating foster care maintenance payments. The department must terminate foster care maintenance payments:

(1) On the day before the child or youth leaves the foster home or facility. The department does not pay for the last day they are in a foster home or facility.

(2) For children or youth in foster care, effective the date they:

(a) No longer reside in or need foster care;

(b) Reach the age of 18, unless they meet the criteria in RCW 13.34.267 and are participating in the extended foster care (EFC) program; or

(c) Are no longer eligible for EFC and the:

(i) Dependency action is dismissed; or

(ii) Voluntary placement agreement (VPA) has expired.

(3) For children or youth in a behavior rehabilitation services (BRS) program, effective the day they start BRS.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0490, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 74.13.031. WSR 19-16-094, § 110-50-0490, filed 8/1/19, effective 9/1/19. WSR 18-14-078, recodified as § 110-50-0490, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0032, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0500 Foster parents' level notification. Once the rate assessment has been completed, foster parents will receive written notification from the department notifying them of:

(1) The amount of the monthly foster care maintenance payment that will be paid to them on behalf of children or youth residing in their home;

(2) Their right to request a department review of the foster care rate level based on information that was not known or provided to the department; and

(3) The process to request a department review.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0500, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0500, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0037, filed 7/28/09, effective 8/28/09.]

DEPARTMENT REVIEW OF FOSTER CARE MAINTENANCE RATE

WAC 110-50-0510 Requesting a department review of the foster care rate level. (1) Foster parents must make a written request for the department to review their foster care rate level.

(2) Department review requests must:

(a) Be received by the department within 20 calendar days of the date of the letter informing the foster parent of their foster care rate level. If a request is not made within 20 days, the department will not review the foster care rate level.

(b) Include a statement explaining why the foster parent believes the rate level is incorrect. The foster parent must provide any additional information that was not known to the department when the rate was determined.

(c) Be sent to the individual and address identified in the department's letter informing the foster parent of the rate level for the child or youth.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0510, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0510, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0042, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0520 Department review of the foster care rate level. Department management employees who have not administered the standardized assessment tool for the foster parents requesting the review, must:

(1) Conduct the department review of the foster care rate level and consider if:

(a) Additional information provided by the foster parent, as authorized in WAC 110-50-0510, is relevant to the assessment; and

(b) Information was accurately documented into the standardized assessment tool.

(2) Complete the review within 14 calendar days of receiving the request for review.

(3) Not consider information about any children or youth outside the standardized assessment tool.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0520, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0520, filed 6/29/18, effective 7/1/18. Statutory

Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0047, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0530 Foster parents' notification of department review. Once the review is complete, the department must:

(1) Send foster parents a letter notifying them that the department:

(a) Upholds the results of the standardized rate assessment tool; or

(b) Agrees the rate was wrongly calculated and will adjust the rate to the proper level.

(2) Include information in the letter to request an administrative hearing, per chapter 110-03 WAC, if the department upholds the results of the rate assessment.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0530, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0530, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0052, filed 7/28/09, effective 8/28/09.]

ADMINISTRATIVE HEARINGS

WAC 110-50-0540 Foster parents' right to appeal. (1) Foster parents have the right to an administrative hearing, per chapter 110-03 WAC, to contest the following department's failure to:

(a) Respond to the request within the time frames in WAC 110-50-0520.

(b) Take into consideration new information related to the child or youth provided by the foster parents.

(c) Follow the standardized assessment process.

(2) To request an administrative hearing, the foster parent must submit a request in writing for an administrative hearing and send the request to the office of administrative hearings (OAH). The request must be received by OAH within 90 calendar days of receipt of the notification of the department's decision on review, unless good cause for a later request is established under chapter 110-03 WAC.

(3) Foster parents do not have a right to request an administrative hearing to challenge or dispute:

(a) Established foster care rates;

(b) The standardized assessment tool; or

(c) The standardized procedure used to determine the rate.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0540, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-50-0540, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0057, filed 7/28/09, effective 8/28/09.]

WAC 110-50-0550 Scope of administrative hearing. When making a determination during administrative hearings, administrative law judges (ALJ):

(1) May only consider the following if the:

- (a) Standardized assessment process was not followed;
 - (b) Information obtained for the initial rate determination was not documented on the standardized assessment tool; or
 - (c) New information provided by the foster parents for the department review was not accurately documented on the standardized assessment tool.
- (2) Must apply the rules in this chapter during the administrative hearing.
- (3) Must not:
 - (a) Consider:
 - (i) Information about children or youth:
 - (A) Outside the standardized assessment tool;
 - (B) That was not provided to the department at the time of the:
 - (I) Initial or ongoing completion of the standardized assessment tool; or
 - (II) Department review requested by the foster parents.
 - (ii) Challenges to the:
 - (A) Established foster care rates;
 - (B) Standardized assessment tool; or
 - (C) The foster care rate assessment program.
- (b) Make a determination that conflicts with a properly completed standardized assessment tool.

[Statutory Authority: RCW 43.216.065 and 74.13.031. WSR 23-24-040, § 110-50-0550, filed 11/30/23, effective 12/31/23. Statutory Authority: RCW 74.13.031. WSR 19-16-094, § 110-50-0550, filed 8/1/19, effective 9/1/19. WSR 18-14-078, recodified as § 110-50-0550, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0062, filed 7/28/09, effective 8/28/09.]

OVERPAYMENT

WAC 110-50-0740 What standards must the department apply to contracted and noncontracted service providers and vendors when the department has identified an overpayment to the provider or vendor? (1) RCW 43.20B.675 provides that all vendors have the right to request a hearing if they have a bona fide overpayment dispute. The department must offer a prehearing conference to all clients and vendors that request an administrative hearing.

(2) Contracted and noncontracted service providers may seek dispute resolution through these rules, under the Administrative Procedure Act and RCW 43.20B.675, with respect to overpayments. However, the following limitations apply:

(a) The right of vendors to seek an administrative hearing to contest alleged overpayments applies only to overpayments for goods or services provided on or after July 1, 1998.

(b) These procedures do not create a right to a hearing where no dispute right previously existed except as provided in RCW 43.20B.675.

(c) These rules limit disputes for foster family and child day care providers to alleged overpayments. Homes and facilities licensed under chapter 74.15 RCW may appeal adverse licensing actions under the provisions of chapter 388-148 or 388-155 WAC, as applicable.

[WSR 18-14-078, recodified as § 110-50-0740, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0255, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0750 Do vendor overpayment rules in this chapter also apply to adoptive parents? Adoptive parents who receive assistance through the adoption support program are not vendors within the meaning of the law and do not fall within the scope of this chapter.

[WSR 18-14-078, recodified as § 110-50-0750, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0260, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0760 Are there time limitations on identifying and recovering an overpayment? There is no time limit on identifying and initiating recovery of overpayments.

[WSR 18-14-078, recodified as § 110-50-0760, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0265, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0770 May overpayments be waived or forgiven? Children's administration employees do not have authority to forgive or waive overpayments nor to offset overpayments from future payments. All such authority rests with the department's office of financial recovery (OFR). Designated CA staff may mediate a disputed payment with the vendor, but final approval for any negotiated proposed settlement rests with OFR.

[WSR 18-14-078, recodified as § 110-50-0770, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0270, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0780 Do other governmental organizations have the right to an adjudicative hearing? Governmental organizations, including Indian Tribes, with an interlocal agreement with the department do not have the right to an adjudicative hearing through the office of administrative hearings (OAH). The disputes process described in the agreement between the entity and the department governs the resolution process.

[WSR 18-14-078, recodified as § 110-50-0780, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0275, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0790 What steps must a provider or vendor take when requesting an administrative hearing in regards to an overpayment? A provider or vendor must follow the procedure indicated on the department's Vendor Overpayment Notice, DSHS 18-398A(X), dated 07/1998.

[WSR 18-14-078, recodified as § 110-50-0790, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0280, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0800 When is payment due on an overpayment? When a vendor files a timely and complete request for an administrative hearing, payment on the overpayment is not due on the amount contested until the office of administrative hearings or its designee makes a final decision about the vendor's liability and any amount due.

[WSR 18-14-078, recodified as § 110-50-0800, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0285, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0810 Who establishes guidelines to identify overpayments and to mediate overpayment disputes? (1) Each DCFS regional administrator, division of licensed resources (DLR) regional manager, or CA division director, as applicable, must establish procedures to provide for consistency in the handling of provider or vendor disputes in accordance with the children's administration prehearing procedures and this chapter.

(2) Staff at the following organizational levels will handle disputes:

(a) The DCFS regional administrator is responsible for the dispute resolution process for:

(i) All payments authorized by local office social workers;
(ii) All payments authorized under regionally managed contracts and service agreements.

(b) Regional staff are responsible for the following activities to resolve disputes:

(i) Prehearing conferences;
(ii) Mediation activities;
(iii) Administrative hearings for payments authorized in local offices; and

(iv) Administrative hearings for regionally managed contracts.

(c) For CA child care subsidy program payment disputes, DLR office of child care policy (OCCP) headquarters staff is responsible for:

(i) Prehearing conferences;
(ii) Mediation activities; and
(iii) Administrative hearings.

(d) Assigned CA division of program and policy development or office of foster care licensing (OFCL) headquarters staff, as applicable, will handle disputes arising from headquarters-managed contracts and service agreements. These staff will handle:

(i) Prehearing conferences;
(ii) Mediation activities; and
(iii) Administrative hearings.

[WSR 18-14-078, recodified as § 110-50-0810, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0295, filed 3/30/01, effective 4/30/01.]

FOSTER PARENT LIABILITY FUND

WAC 110-50-0900 What is the foster parent liability fund? (1)

The foster parent liability fund authorized under RCW 74.14B.080 allows for insurance coverage for foster parents licensed under chapter 74.15 RCW. The coverage includes personal injury and property damage caused by foster parents or foster children that occurred while the children were in foster care.

(2) Such insurance covers acts of ordinary negligence but does not cover illegal conduct or bad faith acts taken by foster parents in providing foster care. Moneys paid from liability insurance for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance.

[WSR 18-14-078, recodified as § 110-50-0900, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0300, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0910 What is the period of coverage for foster parent liability fund? Coverage under the foster parent liability fund is for valid claims arising out of occurrences on or after July 1, 1991.

[WSR 18-14-078, recodified as § 110-50-0910, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0305, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0920 Who is eligible for coverage under the foster parent liability fund? A person eligible for foster parent liability fund coverage must be licensed or certified by the department or a child placing agency under chapter 74.15 RCW to provide foster family care.

[WSR 18-14-078, recodified as § 110-50-0920, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0310, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0930 What are the limits of coverage under the foster parent liability fund? The limits of coverage under the foster parent liability are:

(1) Up to twenty-five thousand dollars per occurrence. "Occurrence" means, for purposes of this chapter, the incident which led to the claim.

(2) The claim must be for a third party personal injury or property damage arising from a foster parent's act or omission in the good faith provision of family foster care and supervision of a foster child.

(3) The department must not make a payment of claims from this liability fund if the foster parent is not liable to the third party or the foster child's birth or adoptive parent or guardian because of any:

- (a) Immunities;
- (b) Limitations; or
- (c) Exclusions provided by law.

(4) The foster parent must, first, exhaust all monetary resources available from another valid and collectible liability insurance before seeking payment from this liability fund. Coverage under this foster parent liability fund must be in excess of any other available liability insurance.

[WSR 18-14-078, recodified as § 110-50-0930, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0315, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0940 The department excludes what claims from coverage under the foster parent liability fund? The department excludes the following claims from coverage under the foster parent liability fund:

(1) Claims arising as a result of a foster parent's illegal conduct or bad faith acts in providing family foster care. Such conduct or act includes but is not limited to:

(a) Loss arising out of a dishonest, fraudulent, criminal, or intentional act or omission;

(b) Loss arising out of licentious, immoral, or sexual behavior;

(c) Loss occurring because the foster parent provided a foster child with an alcoholic beverage or controlled substance, other than medication prescribed for the foster child in the amounts prescribed by a physician or other licensed or authorized medical practitioner;

(d) A judgment against the foster parent based on alienation of affection.

(2) Claims based on an occurrence not arising from the family foster care relationship. This includes a foster child's act occurring while the child was temporarily assigned outside the jurisdiction of the foster parent.

(3) Claims for a bodily injury or property damage arising out of the operation or use of any motor vehicle, aircraft, or water craft owned by, operated by, rented to, or loaned to any foster parent; or

(4) Claims for an injury or damage from an occurrence before July 1, 1991.

[WSR 18-14-078, recodified as § 110-50-0940, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0320, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0950 What if there are multiple claims for one occurrence under the foster parent liability fund? The twenty-five thousand dollar limitation per occurrence must apply regardless of whether there are multiple claims arising from the same occurrence. The department will consider a claim by one or more foster parents occupying the same household a single claim.

[WSR 18-14-078, recodified as § 110-50-0950, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0325, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0960 May another source be used to recover on the same claim paid by the liability fund? (1) If the liability fund pays for a claim, the foster parent must transfer to the department the foster parent's rights of recovery against any person or organization against whom the foster parent may have a legal claim.

(2) The foster parent must sign and deliver to the department any documents necessary to transfer such foster parent's rights to the state.

[WSR 18-14-078, recodified as § 110-50-0960, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0330, filed 3/30/01, effective 4/30/01.]

WAC 110-50-0970 What are the department's authority and the foster parent's responsibilities regarding investigation of claims? (1) The department may conduct an investigation of any foster parent liability fund claim.

(2) The foster parent must fully cooperate with the department for any liability fund claims filed against the foster parent.

[WSR 18-14-078, recodified as § 110-50-0970, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0335, filed 3/30/01, effective 4/30/01.]

FOSTER PARENT PROPERTY DAMAGE REIMBURSEMENT

WAC 110-50-1000 What are the department's responsibilities and limitations for reimbursement for damage or loss caused by a child in family foster care? (1) Within available funds and subject to the conditions in this chapter, the department must reimburse family foster care providers who incur property damages, losses, and emergency medical treatment expenses that are caused by the foster child or respite care child during placement in the foster family's home.

(2) For occurrences on or after October 1, 1999, the department must reimburse the foster parent for the replacement value of any property covered under and subject to the limitations of this chapter (see RCW 74.13.335).

(3) For occurrences before October 1, 1999, the department will reimburse the depreciated value of any property covered under and subject to the limitations of the this chapter.

[WSR 18-14-078, recodified as § 110-50-1000, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0340, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1010 What are the eligibility requirements for reimbursements to foster parents for damages? Foster parents are eligible for reimbursement if the foster parents are:

(1) Licensed by DSHS or certified by a child-placing agency and licensed by the department under chapter 74.15 RCW; and

(2) Providing approved DSHS-funded foster care to children in the care, custody, and supervision of DSHS or a licensed child placing agency; or

(3) Providing department-approved and funded respite care to children.

[WSR 18-14-078, recodified as § 110-50-1010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0345, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1020 What are the department's reimbursement limitations? The following reimbursement limitations apply for claims:

(1) The **PER OCCURRENCE/TOTAL** amount the department will pay as the result of any one occurrence must not exceed:

(a) Five thousand dollars for all property damages and losses; or

(b) One thousand dollars for all personal bodily injuries regardless of the number of foster parents or their household members who sustain property damages, losses, or personal bodily injuries.

(2) **PROPERTY DAMAGE ITEMS** are limited to the repair/cleaning cost or the replacement value. The department pays replacement value if the item cannot be repaired or cleaned as substantiated by a detailed retailer estimate or if the repair cost goes over the replacement value of the item. The department may request the final repair bill from foster parents for payment made from estimates provided for purposes of recovery.

(3) **PROPERTY LOSS ITEMS** are limited to the replacement value as substantiated by the original purchase receipt, if available, and two replacement estimates or replacement purchase receipt.

(4) **PERSONAL BODILY INJURY** claims are limited to the costs incurred for receiving emergency medical treatment services that is not payable or required to be provided under workmen's compensation, or disability benefits law, or under any similar law, or provided under a personal/business medical plan.

(5) For **POLICY DEDUCTIBLES**, foster parents must disclose if their property damages or losses were paid or will be paid under their homeowner, automobile, or other personal/business insurance policy. The department will then limit reimbursement to the policy deductible.

(6) **DENTAL EXPENSES** are limited to costs not payable under a dental plan. The department will pay comparable replacement of dental appliances up to the maximum per occurrence.

(7) **VISION EXPENSES** are limited to costs not payable under a medical plan.

(8) **LABOR EXPENSES** are limited to out-of-pocket costs (materials), incurred by foster parents and substantiated by a retailer. Items requiring installation are to be considered reimbursable expense.

(9) **VETERINARY EXPENSES** are limited to initial treatment expense incurred immediately following an occurrence up to five hundred dollars. Initial treatment expense is defined as emergent care and diagnosis. The department pays replacement value for a property loss sustained not to exceed the substantiated value of the animal or maximum per occurrence, whichever is less.

[WSR 18-14-078, recodified as § 110-50-1020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0350, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1030 What types of claims are specifically excluded from reimbursement? The department specifically excludes the following from reimbursement:

(1) Claims resulting from giving alcoholic beverage or other illegal substance, including tobacco products, to a foster child or respite care child for whatever reason.

(2) Claims resulting from violation of any statute, ordinance, or regulation by the foster child or respite care child.

(3) Claims resulting from failure of the foster parent to give directions, instructions, or to provide proper or adequate supervision to the foster child or respite care child.

(4) Claims resulting from the sexual abuse, or licentious, immoral, or other sexual behavior between foster children and/or respite care children or initiated by a foster parent.

(5) Follow-up medical treatment expenses incurred by foster parents or their household member for a personal bodily injury sustained as a result of an action of the foster/respite care child.

(6) Claims for items which belong to the foster child or respite care child.

(7) Claims resulting from acts of foster children that occur while the child is on a temporary planned, unplanned, or voluntary absence from the foster home.

(8) Claims for lost wages.

(9) Claims for property damages, losses, and emergency medical treatment costs arising out of an act of the foster/respite child, with or without the permission of the foster parent, related to the ownership, operation, or maintenance of any owned motor vehicle, including surface, air, or water.

(10) Claims filed by any person other than the foster parent or their household member.

(11) Claims for unsubstantiated property damages or losses alleged to have been caused by the foster child or respite care child.

(12) Claims not received by the department's office of risk management (ORM) within a year after the date of occurrence, regardless of the reason for the delay in filing the claim.

(13) Property damages or loss of items that do not depreciate, including but not limited to antiques, heirlooms, jewelry, figurines, and coin collections.

[WSR 18-14-078, recodified as § 110-50-1030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0355, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1040 What is the procedure for filing a claim? (1) Within thirty days of an occurrence of property damage, loss, or emergency medical treatment, the foster parent must:

(a) Request from the child's social worker a Foster Parent Reimbursement Plan Claim, DSHS 18-400(X) (Rev. 6/96) to file a claim;

(b) Submit the completed claim with all requested information plus any required substantiating documentation;

(2) The claimant must include a statement documenting the reasons for the delay in filing the claim on claims filed more than thirty days after an occurrence.

[WSR 18-14-078, recodified as § 110-50-1040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0360, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1050 Which office within the department determines damage reimbursement? The department's office of risk management determines whether a claim will be paid.

[WSR 18-14-078, recodified as § 110-50-1050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0365, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1060 How are exception requests made? Written requests for exceptions to the terms, limitations, and exclusions specified in the foster parent reimbursement plan must be made to the ORM, Risk Management Administrator, P.O. Box 45844, Mailstop 45844, Olympia, WA 98504-5844. The request must include the justification for the request and alternatives explored. ORM staff will discuss and review requests for exceptions with the CA foster care program manager. Staff in the CA division of program and policy development make final decisions on exceptions.

[WSR 18-14-078, recodified as § 110-50-1060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0370, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1070 What claims may the department deny? The department must deny any claim in which any material fact or circumstance of a property damage, loss, or personal bodily injury is misrepresented or willfully concealed by the foster parent. The department is entitled to recover any payments made in these cases. Claims found to be fraudulent involving theft or collusion are subject to criminal investigation.

[WSR 18-14-078, recodified as § 110-50-1070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0375, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1080 What must a foster parent do to have a denied claim reconsidered? The foster parent must submit a request for reconsideration in writing within thirty days of the previous decision to the claims program manager, DSHS Office of Risk Management (ORM), P.O. Box 45844, Mailstop 45844, Olympia, WA 98504-5844. The request must include information or documentation not previously provided. All determinations made by the risk management administrator are final and do not constitute a basis for requesting or obtaining an administrative fair hearing.

[WSR 18-14-078, recodified as § 110-50-1080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0380, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1090 Will the department investigate claims? The foster parent must permit the department, upon request, to inspect the damaged property. The department retains the authority to have an inspector of its choice make a damage estimate when, and as often, as the department may require.

[WSR 18-14-078, recodified as § 110-50-1090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0385, filed 3/30/01, effective 4/30/01.]

JUVENILE RECORDS

WAC 110-50-1100 What are the department's responsibilities for management of juvenile records? The department must comply with the requirements of chapter 13.50 RCW for management of juvenile records. The department's responsibilities for management of those records are:

- (1) To maintain accurate information and remove or correct false or inaccurate information;
- (2) To take reasonable steps to ensure the security of records and to prevent tampering;
- (3) To make every effort to ensure the completeness of records, including action taken by other agencies with respect to matters in its files; and
- (4) To facilitate inquiries concerning access to records.

[WSR 18-14-078, recodified as § 110-50-1100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0395, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1110 To whom may the department release records? Subject to review the department may release records to the following persons:

- (1) Other participants in the juvenile justice or care system only when an investigation or case involving the juvenile is being pursued by the other participants or when that participant is assigned the responsibility of supervising the juvenile. "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of family and children's ombudsman, the department and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;
- (2) A contracting agency or service provider of the department that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to the provision of services to a juvenile who is dependent under chapter 13.34 RCW. The department may provide these records without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen, unless otherwise prohibited by law;
- (3) A juvenile, a juvenile's parents, the juvenile's attorney, and the juvenile's parent's attorney;

(4) Any person who has reasonable cause to believe information concerning that person is included in the record;

(5) A clinic, hospital, or agency which has the subject person under care or treatment;

(6) Individuals or agencies engaged in legitimate research for educational, scientific, or public purposes when permission is granted by the court.

[WSR 18-14-078, recodified as § 110-50-1110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0400, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1120 Under what circumstances may the department exclude or deny information from release unless authorized by law or court order? The department may withhold the following information unless authorized or ordered by the court:

(1) Information determined by the department to likely cause severe psychological or physical harm to the juvenile or the juvenile's parents;

(2) Information obtained in connection with provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency. Such information may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

[WSR 18-14-078, recodified as § 110-50-1120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0405, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1130 What may a juvenile or the juvenile's parent do if the department denies access to information? (1) A juvenile or the juvenile's parent may file a motion in juvenile court requesting access to the records.

(2) The person making the motion must give reasonable notice of the motion to all parties.

[WSR 18-14-078, recodified as § 110-50-1130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0410, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1140 What are the requirements for release of foster parents' licensing records? Foster parent licensing records may be disclosed upon request in accordance with RCW 42.56.070.

[WSR 18-14-078, recodified as § 110-50-1140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090. WSR 09-16-045, § 388-25-0095, filed 7/28/09, effective 8/28/09. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0095, filed 3/30/01, effective 4/30/01.]

STATE SUPPLEMENTARY PAYMENT PROGRAM

WAC 110-50-1200 How does the department treat resources and unearned income of a child in foster care? (1) Unearned income includes supplemental security income (SSI), Retirement, Survivors and Disability Insurance (RSDI), veteran's benefits, railroad retirement benefits, inheritances, or any other payments for which the child is eligible, unless specifically exempted by the terms and conditions of the receipt of the income. The department must use income not exempted to cover the child's cost of care, except for resources held in trust for an American Indian child.

(2) Any person, agency or court that receives payments on behalf of a child in out-of-home care must send the payments to the department's division of child support.

[WSR 18-14-078, recodified as § 110-50-1200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0210, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1210 Who receives veterans' benefits for children in foster care? By agreement with the regional office of the veterans' administration, the department may receive benefits on behalf of children who have been placed by court order under the department's supervision or custody.

[WSR 18-14-078, recodified as § 110-50-1210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031. WSR 01-08-047, § 388-25-0245, filed 3/30/01, effective 4/30/01.]

WAC 110-50-1220 What is the state supplementary payment (SSP) that is administered by the children's administration (CA)? The children's administration state supplementary payment (CA/SSP) is a state-paid cash assistance program for specific eligible foster children with the children's administration. The CA/SSP program may be discontinued at any time and for any reason, and is limited to the funds available to children's administration for such payments. Receipt of a CA/SSP payment in any month does not guarantee payment for subsequent months even if all eligibility criteria remain met.

[WSR 18-14-078, recodified as § 110-50-1220, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371. WSR 07-23-004, § 388-25-1000, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. WSR 05-11-016, § 388-25-1000, filed 5/9/05, effective 6/9/05.]

WAC 110-50-1230 What are the eligibility requirements for the CA/SSP program? To be eligible to receive CA/SSP, you must meet all of the following eligibility requirements:

(1) Be a child who has entered foster care (Title 45 C.F.R. 1355.20);

- (2) Already receive supplemental security income (SSI) benefits or have recently received notice of an award for such benefits; and
- (3) Receive behavior rehabilitation services (BRS) for out-of-home placement services for all or part of a month; and
- (4) Not receive foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670).

[WSR 18-14-078, recodified as § 110-50-1230, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371. WSR 07-23-004, § 388-25-1010, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. WSR 05-11-016, § 388-25-1010, filed 5/9/05, effective 6/9/05.]

WAC 110-50-1240 When will my eligibility for CA/SSP be determined? The SSP eligibility verification and payment process is usually completed two months following the month of your potential eligibility for an SSP payment. You will receive an SSP payment when all of the eligibility criteria (WAC 388-25-1010) have been verified. Children who have recently received notice of an award for SSI will receive a CA/SSP payment beginning the month the Social Security Administration places them into pay status, if all other eligibility criteria are met for that month.

[WSR 18-14-078, recodified as § 110-50-1240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371. WSR 07-23-004, § 388-25-1020, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. WSR 05-11-016, § 388-25-1020, filed 5/9/05, effective 6/9/05.]

WAC 110-50-1250 How will I know if I am eligible to receive a CA/SSP payment? Once you have been identified as eligible for a CA/SSP payment, CA will send out written notification to the current SSI representative payee.

[WSR 18-14-078, recodified as § 110-50-1250, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371. WSR 07-23-004, § 388-25-1030, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. WSR 05-11-016, § 388-25-1030, filed 5/9/05, effective 6/9/05.]

WAC 110-50-1260 Can I apply for the CA/SSP program if I am not identified by CA as eligible for the CA/SSP program? You can apply through children's administration to determine your eligibility for CA/SSP, but eligibility is limited to those meeting the eligibility requirements in WAC 388-25-1010.

[WSR 18-14-078, recodified as § 110-50-1260, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. WSR 05-11-016, § 388-25-1040, filed 5/9/05, effective 6/9/05.]

WAC 110-50-1270 What are my appeal rights if CA determines that I am not eligible for CA/SSP? In the event that your eligibility for CA/SSP payments is denied or terminated, or the amount of such payments is reduced, you have the right to file an informal complaint pursuant to RCW 74.13.045 and chapter 388-39A WAC and to request a hearing under chapter 34.05 RCW and chapter 388-02 WAC, except that there is no right to a hearing if the reason for the change is lack of funding.

[WSR 18-14-078, recodified as § 110-50-1270, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.04.050, 74.04.600, 74.04.620, 74.13.031, and 2002 c 371. WSR 07-23-004, § 388-25-1050, filed 11/8/07, effective 12/9/07. Statutory Authority: RCW 74.04.050, 2002 c 371, RCW 74.04.600 and 74.13.031. WSR 05-11-016, § 388-25-1050, filed 5/9/05, effective 6/9/05.]