

WSR 21-06-007
EMERGENCY RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed February 18, 2021, 9:44 a.m., effective February 18, 2021, 9:44 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To comply with P.L. 116.260, Supporting Youth and Foster Families through the Pandemic Act 2021, the emergency rules:

- Allow youth who are eligible for extended foster care services to voluntarily reenter the program upon reaching the maximum eligibility age of twenty-one on or after April 1, 2020;
- Allow program participants to remain in the program, regardless of their age, until September 30, 2021; and
- Relieve program participants from being exited from the program for not being able to participate in required education, training, or employment activities or providing documentation of a medical condition that prevents their participation in these activities.

Citation of Rules Affected by this Order: Amending WAC 110-90-0020, 110-90-0040, 110-90-0110, 110-90-0140, 110-90-0160, 110-90-0190, 110-90-0200, 110-145-1305, 110-147-1305, and 110-148-1305.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: P.L. 116-260, Proclamation of the Governor 21-02.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: P.L. 116-260 forbids states from refusing foster care services to persons who, during the COVID-19 pandemic, either have or will become too old to be eligible for services and eliminates certain additional eligibility elements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 10, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 18, 2021.

Brenda Villarreal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-14-066, filed 6/28/19, effective 7/29/19)

WAC 110-90-0020 What is the purpose of the extended foster care program? The extended foster care program provides an opportunity for young adults who are dependent at age eighteen to voluntarily agree to continue receiving foster care services, ~~(, including placement services, while the youth:~~

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

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and WAC 110-20-0010. WSR 19-14-066, § 110-90-0020, filed 6/28/19, effective 7/29/19. WSR 18-14-078, recodified as § 110-90-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0502, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0502, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0502, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0502, filed 3/25/13, effective 4/25/13.]

AMENDATORY SECTION (Amending WSR 19-14-066, filed 6/28/19, effective 7/29/19)

WAC 110-90-0040 Who is eligible for extended foster care? (1) To be eligible for the extended foster care program, a youth, on his or her eighteenth birthday must be dependent under chapter 13.34 RCW and:

- ~~(a) ((Enrolled in school as described in WAC 110-90-0050;~~
- ~~(b) Have applied for, or can demonstrate intent to timely enroll in a post-secondary academic or vocational education program as described in WAC 110-90-0060;~~
- ~~(c) Participating in a program or activity designed to promote employment or remove barriers to employment as described in WAC 110-90-0070;~~
- ~~(d) Engaged in employment for eighty hours or more per month;~~
- ~~(e) Unable to engage in subsection (1)(a) through (d) of this section due a documented medical condition as described in WAC 110-90-0100; or~~
- ~~(f)) Enroll in the extended foster care program; or~~

~~(b) ((Did not enroll))~~ Not enrolled in the extended foster care program; and

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

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

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

(2) A dependent youth in the custody of juvenile rehabilitation, the department of corrections, county detention, or jail ~~((who otherwise meets the eligibility criteria in subsection (1)(a) through (f) of this section))~~ may enroll in the extended foster care program.

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

(4) If the youth was in the extended foster care program through a VPA and was dismissed from the program between April 1, 2020, and September 30, 2021, because the youth reached the age of twenty-one, the youth may reenroll in the extended foster care program through a VPA until September 30, 2021.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and WAC 110-20-0010. WSR 19-14-066, § 110-90-0040, filed 6/28/19, effective 7/29/19. WSR 18-14-078, recodified as § 110-90-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 18-01-048, § 388-25-0506, filed 12/12/17, effective 1/12/18; WSR 16-14-065, § 388-25-0506, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0506, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0506, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0506, filed 3/25/13, effective 4/25/13.]

AMENDATORY SECTION (Amending WSR 19-14-066, filed 6/28/19, effective 7/29/19)

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

(a) Signing an extended foster care agreement; or

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

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

(a) Signing a voluntary placement agreement (VPA) before reaching age twenty-one; or

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

(3) An eligible nonminor dependent youth requesting to reenter the program may agree to participate by signing a VPA prior to reaching age twenty-one.

(4) An eligible youth as defined in WAC 110-90-0040 requesting to reenter the program may agree to participate by signing a VPA until September 30, 2021, if the youth was dismissed from the program between April 1, 2020, and September 30, 2021, based solely on reaching the age of twenty-one.

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

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and WAC 110-20-0010. WSR 19-14-066, § 110-90-0110, filed 6/28/19, effective 7/29/19. WSR 18-14-078, recodified as § 110-90-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 18-01-048, § 388-25-0528, filed 12/12/17, effective 1/12/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0528, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0528, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0528, filed 3/25/13, effective 4/25/13.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 19-14-066, filed 6/28/19, effective 7/29/19)

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

~~(1) Has)) has not turned twenty-one. (~~;~~ and))~~

(2) Meets one of the conditions for eligibility in WAC ~~110-90-0040 (1)(a) through (e))~~. A youth dismissed from the program between April 1, 2020, and September 30, 2021, only because the youth reached the age of twenty-one may reapply for the extended foster care program until September 30, 2021.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and WAC 110-20-0010. WSR 19-14-066, § 110-90-0140, filed 6/28/19, effective 7/29/19. WSR 18-14-078, recodified as § 110-90-0140, filed

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-15-066, filed 7/13/20, effective 8/13/20)

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

- (1) Agree to participate in the EFC program;
- ~~(2) ((Meet the eligibility criteria in WAC 110-90-0040 (1)(a) through (f));~~
- ~~(3))~~ (2) Reside in an approved placement; and
- ~~((4))~~ (3) Comply with the youth's responsibilities in WAC 110-90-0190.

[Statutory Authority: 2017 c 6. WSR 20-15-066, § 110-90-0160, filed 7/13/20, effective 8/13/20. WSR 18-14-078, recodified as § 110-90-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0540, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0540, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0540, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0540, filed 3/25/13, effective 4/25/13.]

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-15-066, filed 7/13/20, effective 8/13/20)

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

- (1) Agree to participate in the program as expressed in the written EFC agreement;

(2) ~~((Maintain the standard of eligibility as set by the youth's academic program, employment related program, employment status, or documented medical condition;~~

~~(3))~~ Participate in the case plan, including monthly health and safety visits;

~~((4))~~ (3) Acknowledge that DCYF has responsibility for the youth's care and placement by authorizing DCYF to have access to records related to court-ordered medical, mental health, drug/alcohol treatment services, additional necessary services, educational records needed to determine continuing eligibility for the program, medical records related to a documented medical condition for purposes of qualifying for EFC under WAC 110-90-0040 (1)(f); and

~~((5))~~ (4) Remain in the approved foster care placement and follow placement rules as follows:

(a) Stay in the placement identified by DCYF or approved by the court;

(b) Obtain approval from their caseworker and notify their caregiver for extended absences from the placement of more than three days; and

(c) Comply with court orders and any specific rules developed in collaboration by the youth, caregiver and caseworker.

[Statutory Authority: 2017 c 6. WSR 20-15-066, § 110-90-0190, filed 7/13/20, effective 8/13/20. WSR 18-14-078, recodified as § 110-90-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0546, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0546, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0546, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0546, filed 3/25/13, effective 4/25/13.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 20-15-066, filed 7/13/20, effective 8/13/20)

WAC 110-90-0200 When is a youth no longer eligible for the EFC program? A youth is no longer eligible for the EFC program and DCYF will ask the court to dismiss the nonminor dependency, when the youth:

(1) ~~((Graduates from high school or equivalency program and has not demonstrated intent to timely enroll in a post-secondary academic or vocational program;~~

~~(2) Graduates from a post-secondary education or vocational program;~~

~~(3) Reaches their twenty-first birthday))~~ Reaches the age of twenty-one or older before April 1, 2020;

~~((4) Is no longer participating or engaging in any of the eligibility criteria under WAC 110-90-0040 (1) (a) through (f);))~~

~~((5))~~ (2) No longer agrees to participate in EFC services; or

~~((6))~~ (3) Fails or refuses to comply with youth responsibilities outlined in WAC 110-90-0190; or

(4) Only after September 30, 2021, a youth who is twenty-one years of age or older will no longer be eligible for the EFC program and DCYF will ask the court to dismiss the nonminor dependency.

[Statutory Authority: 2017 c 6. WSR 20-15-066, § 110-90-0200, filed 7/13/20, effective 8/13/20. WSR 18-14-078, recodified as § 110-90-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, and 13.34.030. WSR 16-14-065, § 388-25-0548, filed 6/30/16, effective 7/31/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030 and Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). WSR 16-06-044, § 388-25-0548, filed 2/24/16, effective 3/26/16. Statutory Authority: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030. WSR 14-13-051, § 388-25-0548, filed 6/12/14, effective 7/13/14. Statutory Authority: RCW 74.13.031, 13.34.267, and 2008 federal legislation "Fostering Connections to Success and Increasing Adoptions Act." WSR 13-08-017, § 388-25-0548, filed 3/25/13, effective 4/25/13.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 20-05-024, filed 2/7/20, effective 3/9/20)

WAC 110-145-1305 What definitions do I need to know to understand this chapter? The following words and terms are for the purpose of this chapter and are important to understand these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and emotional condition.

"Business hours" means hours during the day in which state business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard hours of operation.

"Capacity" means the age range, gender, and maximum number of children on your current license.

"Care provider" means any person who is licensed or authorized to provide care for children and cleared to have unsupervised access to children under the authority of a license.

"Case manager" means a facility employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Chapter" means chapter 110-145 WAC.

"Child," "children," or "youth" for this chapter, means a person who is one of the following:

- (a) Under eighteen years old;
- (b) Up to twenty-one years of age and enrolled in services through the department of social and health services developmental disabilities administration (DDA) the day prior to their eighteenth birthday and pursuing either a high school or equivalency course of study (GED/HSEC), or vocational program;
- (c) (~~Up to twenty-one years of age and participates~~) Participating in the extended foster care program;
- (d) Up to twenty-one years of age with intellectual and developmental disabilities; or
- (e) Up to twenty-five years of age and under the custody of juvenile rehabilitation.

"Child placing agency" or "CPA" means an agency licensed to place children for temporary care, continued care, or adoption.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"Crisis residential center (secure)" means a licensed facility open twenty-four-hours a day, seven days a week that provides temporary residential placement, assessment and services in a secure facility to prevent youth from leaving the facility without permission per RCW 13.32A.030(15).

"Crisis residential center (semi-secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services for runaway youth and youth in conflict with their family or in need of emergency placement.

"CW" means the division of child welfare within DCYF. CW provides case management to children and families involved in the child welfare system.

"Day treatment" is a specialized service that provides educational and therapeutic group experiences for emotionally disturbed children.

"DDA" means the developmental disabilities administration. DDA provides services and case management to children and adults who meet the eligibility criteria.

"Deescalation" means strategies used to defuse a volatile situation, to assist a child to regain behavior control, and to avoid a physical restraint or other behavioral intervention.

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

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"Direct care" means direct, hands-on personal care and supervision to group care children and youth.

"DOH" means the department of health.

"Electronic monitoring" means video or audio monitoring or recording used to watch or listen to children as a way to monitor their behavior.

"Emergency respite center (ERC)" means a licensed facility that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children birth through seventeen years for up to seventy-two hours to prevent child abuse or neglect per RCW 74.15.020(d). ERCs may choose to be open up to twenty-four hours a day, seven days a week. Facilities may also provide family assessment, family support services and referral to community services.

"FBI" means the Federal Bureau of Investigation.

"Group care" is a general term for a licensed facility that is maintained and operated for a group of children on a twenty-four-hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care per RCW 74.15.020 (1)(f).

"Group home" is a specific license for residential care that provides care and supervision for children or youth.

"Group receiving center" means a licensed facility that provides the basic needs of food, shelter, and supervision for children placed by the department, generally for thirty or fewer days.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns, and archery equipment.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"Interim facility" means an overnight youth shelter, emergency respite center or a resource and assessment center.

"LD" means the licensing division of DCYF. LD licenses and monitors foster homes, child placing agencies, and licensed group care facilities.

"License" means a permit issued by us that your facility meets the licensing standards established in this chapter.

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

"Local fire authority" means your local fire inspection authority having jurisdiction in the area where your facility is located.

"Maternity service" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four-hour skilled care from a health care professional or specially trained staff or volunteers in a group care setting. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care or under the care, custody, and authority of DCYF and the child's whereabouts are unknown, the child has left care without the permission of the child's caregiver or DCYF, or both. This does not include children in a dependency guardianship.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at risk youth or children in need of services, and their parents.

"Negative action" means a court order, court judgment, or adverse action taken by an agency, in any state, federal, local, tribal, or

foreign jurisdiction, that results in a finding against the applicant reasonably related to the individual's suitability, and competence to care for or have unsupervised access to children in out-of-home care. This may include, but is not limited to:

- (a) A decision issued by an administrative law judge;
- (b) A final determination, decision, or finding made by an agency following an investigation;
- (c) An adverse licensing action, including termination, revocation, or denial of a license or certification, or if there is a pending adverse action, the voluntary surrender of a license, certification, or contract in lieu of an adverse action;
- (d) A revocation, denial, or restriction placed on any professional license; or
- (e) A final decision of a disciplinary board.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Overnight youth shelter" means a licensed nonprofit agency that provides overnight shelter to homeless or runaway youth in need of emergency sleeping arrangements.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include antipsychotic, antidepressant, and anti-anxiety medications.

"Relative" means a person who is related to a child per RCW 74.15.020.

"Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, (excluding Saturdays, Sundays, and holidays) to children who have been removed from their parent's or guardian's care by child protective services or law enforcement.

"Staff" or "staff member" means a person who provides services for your facility and is paid by your facility. The definition of staff member includes paid interns.

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

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Volunteer" means a person who provides services for your facility without compensation.

"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.

"We, our, and us" refers to DCYF and its staff.

"Young child" refers to a child age twelve months through eight years old.

[Statutory Authority: RCW 43.43.832, 74.13.031, 74.15.030 and P.L. 115-12. WSR 20-05-024, § 110-145-1305, filed 2/7/20, effective 3/9/20. WSR 18-14-078, recodified as § 110-145-1305, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-145-1305, filed 5/23/18, effective 6/23/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-145-1305, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-145-1305, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18 [7/1/18])

WAC 110-147-1305 What definitions do I need to know to understand this chapter? The following words and terms are for the purpose of this chapter and are important to understanding these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Business hours" means hours during the day in which business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard business hours.

"CA" means children's administration.

"Care provider" means any person who is licensed or authorized to provide care for children and cleared to have unsupervised access to children under the authority of a license.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Certification" means a licensed child placing agency (CPA) review that a foster home being supervised by that CPA meets licensing regulations. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-147 WAC.

"Child," "children," or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years of age;

(2) Up to twenty-one years of age and enrolled in services through the developmental disabilities administration (DDA) the day prior to his or her eighteenth birthday and pursuing either a high school or equivalency course of study (GED/HSEC), or vocational program;

(3) (~~Up to twenty-one years of age and participates~~) Participating in the extended foster care program;

(4) Up to twenty-one years of age with intellectual and developmental disabilities; or

(5) Up to twenty-one years of age and under the custody of the Washington state juvenile justice rehabilitation administration.

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

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies, and licensed group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four-hour care in their home to children.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that your agency meets the licensing standards established in this chapter.

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

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child placing agency who certifies or monitors foster homes supervised by the child placing agency.

"Maternity service" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four-hour skilled care from a health care professional or specially trained family or foster family member. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care or under the care, custody, and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or CA. This does not include children in dependency guardianship.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief care provided by an in-home or out-of-home provider paid by the department. The respite provider fulfills some or all of the care provider responsibilities for a short time.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Volunteer" means a person who provides services without compensation, for your agency.

"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

[WSR 18-14-078, recodified as § 110-147-1305, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-147-1305, filed 5/23/18, effective 6/23/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-147-1305, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-147-1305, filed 12/11/14, effective 1/11/15.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18 [7/1/18])

WAC 110-148-1305 What definitions do I need to know to understand this chapter? The following definitions are for the purpose of this chapter and are important to understanding these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years of age and older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"CA" means children's administration.

"Capacity" means the age range, gender and maximum number of children on your current license.

"Care provider" means any person who is licensed or authorized to provide care for children, and cleared to have unsupervised access to children under the authority of a license.

"Case manager" means the private agency employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Certification" means either:

(1) Our review of whether you meet the licensing requirements, even though you do not need to be licensed; or

(2) A licensed child placing agency (CPA) representing that a foster home being supervised by that CPA meets licensing requirements. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-148 WAC.

"Child," "children," or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years of age;

(2) Up to twenty-one years of age and enrolled in services through developmental disabilities administration (DDA) the day prior to his or her eighteenth birthday and pursuing either a high school or equivalency course of study (GED/HSEC), or vocational program;

(3) (~~Up to twenty-one years of age and participates~~) Participating in the extended foster care program;

(4) Up to twenty-one years of age with intellectual and developmental disabilities; or

(5) Up to twenty-one years of age and under the custody of the Washington state juvenile justice rehabilitation administration.

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

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies, and group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four-hour care in their home to children.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that you and your home meet the licensing standards established in this chapter.

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

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child placing agency who certifies or monitors foster homes supervised by the child placing agency.

"Maternity services" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four-hour skilled care from a health care professional or specially trained family or foster family member. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care or under the care, custody, and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or CA. This does not include children in dependency guardianship.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the home of a child's parent, guardian, or legal custodian.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means your buildings and grounds adjacent to your residential property that are owned or managed by you.

"Psychotropic medication" means a type of medicine prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, anti-depressant, and anti-anxiety medications.

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief care provided by an in-home or out-of-home provider paid by the department. The respite provider fulfills some or all of the care provider responsibilities for a short time.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Washington state patrol fire protection bureau or WSP/FPB" means the state fire marshal.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

[WSR 18-14-078, recodified as § 110-148-1305, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, 74.39A.056, 43.43.832. WSR 18-11-138, § 388-148-1305, filed 5/23/18, effective 6/23/18. Statutory Authority: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031, and P.L. 113-183. WSR 16-17-101, § 388-148-1305, filed 8/19/16, effective 9/19/16. Statutory Authority: Chapters 13.34 and 74.13 RCW, RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030, and 2013 c 105. WSR 15-01-069, § 388-148-1305, filed 12/11/14, effective 1/11/15.]

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.