

**WSR 25-05-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**  
[Filed February 18, 2025, 9:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-13-011.

Title of Rule and Other Identifying Information: Chapter 110-90 WAC, Extended foster care (EFC). The EFC program provides youth who have [aged,] or are aging out of, foster care the ability to continue receiving placement and other services through the department of children, youth, and families (DCYF).

The child welfare division is making changes to the EFC program WAC in chapter 110-90 WAC and other related rules as required by SB [E2SSB] 5908. SB [E2SSB] 5908 took effect June 6, 2024, under emergency status and reduces the eligibility requirements for youth who are dependent at age 18 to participate in the EFC program. The legislative changes reduce systemic barriers to youth who are dependent at age 18 and voluntarily enroll in the EFC program by eliminating the federal eligibility requirements. Youth remain eligible for the EFC program between the ages of 18 to 21.

Hearing Location(s): On March 25, 2025, telephonic. Comments can be made by calling 360-972-5385 and leaving a voicemail that includes the comment, emailing the rules coordinator, or submitting comments to the online comment application linked below. All comments must be received by the date and time listed below.

Date of Intended Adoption: March 26, 2025.

Submit Written Comments to: DCYF rules coordinator, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, beginning February 21, 2025, at 8:00 a.m., by March 25, 2025, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, email [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov), relay 711, by March 18, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The WAC revisions will allow DCYF to be compliant with SB [E2SSB] 5908 and reduce the barriers for youth to participate in the EFC program. These changes will increase financial support to those youth who were not previously eligible due to the federal requirements for the EFC program.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: SB [E2SSB] 5908; RCW 74.13.031 and 13.34.267; and 42 U.S.C. 671-675.

Statute Being Implemented: SB [E2SSB] 5908; RCW 74.13.031 and 13.34.267; and 42 U.S.C. 671-675.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Jordan Perin, Olympia, Washington, 509-319-0049; Implementation and Enforcement: DCYF, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW

34.05.328 (5)[(a)](i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 18, 2025  
Brenda Villarreal  
Rules Coordinator

RDS-6182.1

**Chapter 110-90 WAC  
EXTENDED FOSTER CARE (EFC) PROGRAM**

**LEGAL BASIS, PURPOSE, AND DEFINITIONS**

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

**WAC 110-90-0010** ~~((What is the))~~ Legal basis ~~((of))~~ for the extended foster care (EFC) program ~~((?))~~. The legal ~~((authorities))~~ basis for the department's EFC program are:

(1) ~~((Revised Code of Washington: RCW 74.13.031 and))~~ RCW 13.34.267;

(2) ~~((United States Code:))~~ RCW 74.13.031; and

(3) 42 U.S.C. ((see-)) § 671-675 ~~((and~~

~~((3) The U.S. Department of Health and Human Services (DHHS) policy guidelines for states to use in determining a child's eligibility for participation in extended foster care programs))~~.

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?))~~ Purpose. The ~~((extended foster care))~~ EFC program was established to provide ~~((s))~~ an opportunity for ~~((young adults))~~ youth who are dependent at age ~~((eighteen))~~ 18 to voluntarily agree to continue receiving foster care services ~~((r))~~ including:

(1) 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)) in licensed or supervised independent living (SIL) settings;~~
  - (2) Assistance with meeting their basic needs;
  - (3) Independent living services;
  - (4) SIL subsidies;
  - (5) Medical assistance; and
  - (6) Mental health counseling or treatment.

#### NEW SECTION

**WAC 110-90-0021 Definitions.** The following definitions apply to this chapter:

**"Department"** means the Washington state department of children, youth, and families.

**"Extended foster care program (EFC)"** means the same as defined in RCW 74.13.020.

**"Supervised independent living subsidy (SIL)"** means the same as defined in RCW 74.13.020.

**"Youth"** means the same as defined in RCW 13.34.030.

#### **PROGRAM INFORMATION AND ELIGIBILITY**

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?))**  
**Eligibility requirements for youth in the EFC program.** (1) To be eligible for the ((extended foster care)) EFC program, a youth((, on his or her eighteenth birthday)) must:

(a) Be dependent on their 18th birthday 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) Did not enroll in the extended foster care program; and~~

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

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

(b) Be under 21 years old; and

(c) Voluntarily agree to participate in the EFC program.

(2) To remain eligible for the EFC program, youth who meet the requirements in subsection (1) of this section and voluntarily left the EFC program prior to their 21st birthday may reenroll by:

(a) Contacting the department to request reenrollment;

(b) Signing a VPA; and

(c) Entering into a new nonminor dependency action within 180 calendar days of the date they signed a VPA in order to receive the EFC services outlined in RCW 74.13.336.

(3) Youth are eligible for the EFC program regardless of the number of times they enter or exit the program if they meet the requirements in subsection (1) of this section.

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

**WAC 110-90-0050 ((How does a youth demonstrate enrollment in school?)) Youths' participation requirements. ((Enrollment in school is shown by documented registration or acceptance in:**

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

~~(2) **Post-secondary** — Post-secondary academic or vocational program.)~~ (1) Youth who meet the eligibility requirements in WAC 110-90-0040 may voluntarily sign an EFC participation agreement starting at age 17.5.

(2) Youth participating in the EFC program may authorize the department access to records related to their:

(a) Medical;

(b) Mental health;

(c) Substance use treatment services;

(d) Education records; and

(e) Other additional records necessary to provide services.

## RIGHTS AND RESPONSIBILITIES

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

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

- ~~(a) Completing and submitting an application to a post-secondary academic or vocational program; or~~
- ~~(b) Providing proof of Free Application for Federal Student Aid (FAFSA) submission.~~

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

- (1) Have placement and care authority for EFC youth in order to provide services that includes, but not limited to:
  - (a) Transition planning and independent living services;
  - (b) Medical assistance through medicaid;
  - (c) SIL subsidy, if applicable; and
  - (d) Case management as defined in RCW 74.13.020; and
- (2) Inform the court of the status of the youth, including:
  - (a) Health;
  - (b) Safety;
  - (c) Welfare; and
  - (d) Education status.

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

**WAC 110-90-0070** (~~((How does a youth demonstrate participation in a program or activity designed to promote employment or remove barriers to employment?))~~) Youths' rights in the EFC program. (~~((1) Actively participate in a state, federal, tribal or community program that addresses any barriers to employment that the youth may have and/or prepares or trains individuals for employment; or~~

- ~~(2) Involved in a self-directed program that will remove any barriers to employment and will prepare a youth for employment; or~~
- ~~(3) Working less than eighty hours a month.))~~ Youth participating in the EFC program have a right to:
  - (1) A foster care placement;
  - (2) Medical assistance through medicaid;
  - (3) Participate in court proceedings as a party to the case;
  - (4) Referrals to community resources, if applicable; and
  - (5) Enter or exit EFC at any time up to their 21st birthday.

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

**WAC 110-90-0080** (~~((What if an eligible youth does not want to participate in the extended foster care program?))~~ **EFC youth and their legal rights as an adult.** ((Participation in extended foster care is voluntary. A youth who does not agree to participate in extended foster care may request the court to dismiss his or her dependency case.)) The EFC youth are:

(1) Considered youth for the purposes of the dependency and must comply with participation agreement required in WAC 110-90-0050 but have the legal status and legal rights of an adult.

(2) Responsible for their actions including, but not limited to:

(a) Purchases;

(b) Driving;

(c) Traveling; and

(d) Financial obligations related to the activities they participate in.

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

**WAC 110-90-0090** (~~((What is a "documented medical condition"?)~~ **Youth exiting the EFC program.** ((A "documented medical condition" is any physical or mental health condition documented by a licensed health care provider that may be temporary or permanent, including but not limited to, a physical injury or a physical or behavioral health condition. A "documented medical condition" may include physiological, mental, or psychological conditions or disorders, including but not limited to, orthopedic, visual, speech, and hearing impairments.)) Youth participating in the EFC program may:

(1) Voluntarily exit the program at any time prior to their 21st birthday, by notifying their:

(a) Caseworker; and

(b) Court; and

(2) Reenter EFC at any time prior to their 21st birthday if they meet the eligibility criteria outlined in WAC 110-90-0040.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 110-90-0100 How does a youth demonstrate the inability to participate in extended foster care (EFC) activities due to a documented medical condition?

WAC 110-90-0110 How does a youth agree to participate in the extended foster care program?

WAC 110-90-0120 Where do youth obtain information about how to participate in the EFC program?

- WAC 110-90-0130 Can an extended foster care participant continue in extended foster care under a different eligibility category?
- 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?
- WAC 110-90-0150 What are DCYF's responsibilities to a youth who is participating in EFC?
- WAC 110-90-0160 How does DCYF determine a youth's continuing eligibility for the EFC program?
- WAC 110-90-0170 What are the legal rights of a dependent youth in EFC to travel out-of-state, buy a car, or engage in other activities as an adult?
- WAC 110-90-0180 What are the youth's rights in the extended foster care program?
- WAC 110-90-0190 What must the youth do to remain in the EFC program?
- WAC 110-90-0200 When is a youth no longer eligible for the EFC program?