

WSR 25-09-153
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed April 22, 2025, 2:31 p.m.]

Supplemental Notice to WSR 25-01-091.

Preproposal statement of inquiry was filed as WSR 24-08-062.

Title of Rule and Other Identifying Information: WAC 110-50-0230 Child placing agency (CPA) expectations, 110-50-0240 CPA reimbursement, 110-147-1300 What is the purpose of this chapter?, 110-147-1305 What definitions do I need to know to understand this chapter?, 110-147-1340 How long do I have to complete the licensing application process?, 110-147-1345 What are the roles of the department and the CPA?, 110-147-1350 How must I certify a foster home or kinship home for licensing by the department?, 110-147-1360 Who shall have access to my agency?, 110-147-1460 What are the qualifications for case aide staff?, and 110-147-1555 What does the department require for my buildings and property?

Hearing Location(s): On May 27, 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: May 28, 2025.

Submit Written Comments to: Department of children, youth, and families (DCYF) rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rulemaking/participate/online>, beginning April 23, 2025, at noon, by May 27, 2025, 11:59 p.m.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-522-3691, email dcyf.rulescoordinator@dcyf.wa.gov, relay users dial 711, by May 20, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making will amend chapter 110-147 WAC, Licensing requirements for child placing agency and adoption services, and chapter 110-50 WAC, Child welfare, by adding references to new chapter 110-149 WAC, Licensing requirements for kinship homes, that takes effect July 1, 2025. That new chapter will provide the licensing standards for kinship caregivers and will also provide greater stability and outcomes for children and youth placed in kinship care.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 34.05.220, 43.216.020, and 43.216.065.

Statute Being Implemented: RCW 34.05.220, 43.216.020, and 43.216.065.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Kyler McGee, 4045 Delridge Way S.W. Suite 201, Seattle, WA 98106, 253-290-9317; 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).

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.

April 22, 2025
Brenda Villareal
Rules Coordinator

RDS-6330.1

AMENDATORY SECTION (Amending WSR 23-24-040, filed 11/30/23, effective 12/31/23)

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 and licensed kinship homes, so placements of children or youth may occur.
- (5) Provide support services to the foster parents and licensed kinship caregivers.
- (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.

AMENDATORY SECTION (Amending WSR 23-24-040, filed 11/30/23, effective 12/31/23)

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 and licensed kinship caregivers;

- (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.

RDS-6327.2

AMENDATORY SECTION (Amending WSR 22-11-091, filed 5/18/22, effective 6/18/22)

WAC 110-147-1300 What is the purpose of this chapter? (1) This chapter contains licensing requirements for all child placing agencies and the people who operate these programs. This chapter also includes regulations for adoption services provided by child placing agencies. These licensing regulations are designed to ensure children who are in care are safe, healthy, and protected from all forms of child abuse and neglect according to RCW 26.44.020(1) and chapter 110-30 WAC.

(2) If you are a child placing agency (CPA) that certifies foster homes or kinship homes, the homes you certify must meet the full licensing requirements outlined in:

(a) Chapter 110-148 WAC, ((child foster home)) Licensing requirements for child foster homes; and

(b) Chapter 110-149 WAC, Licensing requirements for kinship homes.

AMENDATORY SECTION (Amending WSR 24-19-056, filed 9/13/24, effective 10/14/24)

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 18 years old or older, not in the care of the department.

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

"Asexual" means the lack of a sexual attraction or desire for other individuals.

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

"Bisexual" means individuals who have an emotional or physical attraction to individuals of the same and different genders.

"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.

"Capacity" means the age range 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.

"Case plan" means a written document adhered to and followed by a foster child's parents or guardians, foster parent or parents, the department, and all other caregivers. A case plan may include, but is not limited to:

(a) A description of the type of home or facility in which a child is to be placed, including a discussion of the safety and appropriateness of the placement and how the department plans to carry out the voluntary placement agreement entered into or judicial determination made with respect to the child;

(b) A plan for assuring that the child receives safe and proper care and that services are provided to the parents or guardians, child, and foster parents in order to improve the conditions in the parents' or guardians' home, facilitate return of the child to their own safe home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided under the plan;

(c) The health and education records of the child, including the most recent information available regarding:

(i) The names and addresses of the child's health and educational providers;

(ii) The child's grade level performance;

(iii) The child's school record;

(iv) A record of the child's immunizations;

(v) The child's known medical conditions;

(vi) The child's medications; and

(vii) Any other relevant health and education information concerning the child determined to be appropriate by the department.

(d) Relevant professional assessments of the child;

(e) Court orders concerning the child; and

(f) Any other relevant plan, assessment, knowledge, material, or information concerning the child determined to be appropriate by the department.

"Caseworker" means the primary agency worker assigned to the child through DCYF or other government agency.

"Certification" means a licensed child placing agency (CPA) review that a foster home or kinship home being supervised by that CPA meets licensing regulations. The final decision for licensing is the responsibility of the department of children, youth, and families.

"Chapter" means chapter 110-147 WAC.

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

- (a) Under 18 years of age;
- (b) Up to 21 years of age and enrolled in services through the department of social and health services, developmental disabilities administration (DDA) the day prior to their 18th birthday and pursuing either a high school or equivalency course of study (GED/HSEC), or vocational program;
- (c) Up to 21 years of age and participates in the extended foster care program;
- (d) Up to 21 years of age with intellectual and developmental disabilities;
- (e) Up to 25 years of age and under the custody of the juvenile rehabilitation system.

"Child placing agency (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.

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

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

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

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide 24-hour care in their home to children.

"Gay" means a sexual orientation to describe individuals who are emotionally or physically attracted to someone of the same gender. Gay is sometimes an umbrella term for the LGBTQIA+ community.

"Gender" or "gender identity" means an individual's inner sense of being a female, male, a blend of both or neither, or another gender. This may or may not correspond with an individual's sex assigned at birth.

"Gender expression" means individuals' outward communication of their gender through behavior or appearance. This may or may not conform to their sex assigned at birth or socially defined behaviors and characteristics typically associated with being either masculine or feminine.

"Gender fluid" means individuals whose gender identities are flexible.

"Guardian" has the same meaning in this chapter as defined in RCW 26.33.020(11).

"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 in your care.

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

"I," "my," "you," and "your" refer 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 12 months of age.

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

"Intersex" is an umbrella term used to describe a wide range of natural bodily variations when the body is born with a combination of chromosomes, internal organs, or external genitalia that do not develop as expected.

"Kinship licenses" means child-specific licenses as defined in RCW 74.15.125.

"Lesbian" means females or women who have an emotional or physical attraction for other females or women.

"LGBTQIA+" means lesbian, gay, bisexual, transgender, queer or questioning, intersex, and asexual. The "+" represents identities not specifically named in the LGBTQIA acronym, e.g., pansexual, gender nonbinary, and Two-Spirit.

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

"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 (LD)" means the division within DCYF that licenses and monitors foster homes, child placing agencies, and licensed group care facilities.

"Licensing provider portal" means the internet-connected provider application system used by the department and agencies to securely store digital employment and licensing documents and data.

"Licensor" means either:

(a) An LD employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(b) An employee of a CPA who certifies or monitors foster homes supervised by the CPA.

"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 24-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 18 years of age in licensed care or under the care, custody, and authority of DCYF and the child's whereabouts are unknown or the child has left care without the permission of the child's caregiver or DCYF. 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.

"Nonbinary" is a term of self-identification for individuals who do not identify within the limited and binary terms that have described gender identity, e.g., female and male. Nonbinary is also an umbrella term for many identities such as gender expansive, gender fluid, and genderqueer.

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

"Parent" has the same meaning in this chapter as defined in RCW 26.26A.010(15).

"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.

"Queer" is a term used to express LGBTQIA+ identities and orientations. The term is sometimes used as an umbrella term for all LGBTQIA+ individuals.

"Questioning" means individuals who are exploring their sexual orientation, gender identity, or gender expression at any age.

"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.

"Sexual orientation" means an individual's emotional or physical attraction to other individuals.

"SOGIE" is an acronym for sexual orientation, gender identity, and expression which are distinct identifiers everyone has. LGBTQIA+ is a subdistinction within SOGIE self-identifiers. SOGIE includes LGBTQIA+ as well as heterosexual, cisgender, and nonquestioning individuals.

"Transgender" is an umbrella term for individuals whose gender identity or expression is different from cultural expectations based on the sex they were assigned at birth. Gender-affirming medical care is not a prerequisite to identify as transgender. Being transgender does not imply any specific sexual orientation.

"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.

"Two-Spirit" means a modern, pan-indigenous, umbrella term used by some indigenous North Americans to describe Native people in their communities who fulfill a traditional third-gender or other gender-variant, ceremonial, and social role in their cultures. Being Two-Spirit does not imply any specific sexual orientation.

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

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

"We," "our," and "us" refer to DCYF, including LD and child welfare staff.

"Young child" refers to a child age 12 months through eight years old.

AMENDATORY SECTION (Amending WSR 22-11-091, filed 5/18/22, effective 6/18/22)

WAC 110-147-1340 How long do I have to complete the licensing application process? (1) You must submit a complete licensing application and background authorization forms for your CPA license, and

for licensed foster families or kinship caregivers certified by your CPA, to LD through the licensing provider portal.

(2) For your CPA license:

(a) Once you receive background clearance notifications for the staff identified on your application, you must submit all required documents within 90 days.

(b) If you do not meet the 90-day deadline, your licensor may withdraw your application.

(c) As a courtesy, a renewal notification and renewal materials will be sent 120 days prior to your license expiration date. If you do not receive this renewal notice it is your responsibility to contact your licensor.

(3) For licensed foster families or kinship caregivers certified by your CPA:

(a) Once you receive background clearance notifications for all identified household members, you must submit all LD required documents within 90 days.

(b) If you do not meet this 90-day deadline, you may withdraw your application rather than be denied a license.

(c) As a courtesy, a renewal notification will be sent 90 days prior to the foster home license expiration date.

(d) You must send the foster home or kinship home license renewal application and all required background authorization forms to your licensor 90 days prior to the expiration of the current license; you must send the foster home or kinship home license renewal application and all required background authorization forms to your licensor by the expiration of the current license.

AMENDATORY SECTION (Amending WSR 22-11-091, filed 5/18/22, effective 6/18/22)

WAC 110-147-1345 What are the roles of the department and the CPA? (1) We license CPAs, including tribal CPAs, to supervise foster homes and kinship homes. You are authorized to certify to the department that a:

(a) Foster home meets the licensing regulations contained in chapter 110-148 WAC; or

(b) Kinship home meets the licensing regulations contained in chapter 110-149 WAC.

(2) You have the discretion to certify or not to certify a foster home or kinship home.

(3) You may, at your discretion, have additional regulations for a:

(a) Foster home to become and remain a licensed foster home under your supervision; or

(b) Kinship home to become and remain a licensed kinship home.

(4) The department has the final approval for licensing a foster home or kinship home that you have certified.

AMENDATORY SECTION (Amending WSR 22-11-091, filed 5/18/22, effective 6/18/22)

WAC 110-147-1350 How must I certify a foster home or kinship home for licensing by the department? (1) You must use applications, home study forms, and procedures that are approved by the department.

(2) A foster home must be certified by your CPA as meeting the licensing requirements in chapter 110-148 WAC in order to be licensed by the department.

(3) A kinship home must be certified by your CPA as meeting the licensing requirements in chapter 110-149 WAC in order to be licensed by the department.

(4) A CPA social service staff person must review and sign approval for the foster home or kinship home licensing application packet before the application is submitted to LD.

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

WAC 110-147-1360 Who shall have access to my agency? The department must have access to your agency, staff, foster homes, kinship homes, and the children in your care at any time. You must allow us to meet privately with staff or children in your care, at our request. We must also have access to the documents related to your program.

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

WAC 110-147-1460 What are the qualifications for case aide staff? (1) If you employ case aides to provide direct care, such as transporting, providing supervision, or performing other services in certified foster homes and kinship homes, these staff must:

(a) Be at least ~~((twenty-one))~~ 21 years of age ~~((7))~~;

(b) Have a high school diploma or high school or equivalency course of study (GED/HSEC);

(c) Have one year of experience working directly with children or two years of social services education;

(d) Have the skill and ability to work successfully with the special needs of children in care; and

(e) Have effective communication and problem solving skills.

(2) Case aide staff may be between ~~((eighteen))~~ 18 and ~~((twenty-one))~~ 21 years of age if enrolled in a social service internship or practicum program with an accredited college or university and can provide sufficient documentation.

AMENDATORY SECTION (Amending WSR 22-11-091, filed 5/18/22, effective 6/18/22)

WAC 110-147-1555 What does the department require for my buildings and property? (1) You must maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and

in good repair. You must have a working telephone at your agency at all times.

(2) All homes certified by your agency must meet the health and safety requirements outlined in:

(a) Chapter 110-148 WAC for foster homes; and

(b) Chapter 110-149 WAC for kinship homes.