



**STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

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United States Department of Health and Human Services
Administration for Children and Families

September 21, 2018

RE: Washington State Comments on Model Family Foster Home Licensing Standards
(Document No. 2018-16380)

Good Morning Federal Partners:

Thank you for allowing the states to provide comment on the draft Model Licensing Standards for the Family First Prevention Services Act. In order to elicit stakeholder feedback, DCYF held two webinars for foster parents, state employees, child placing agencies, tribes, and other internal and external stakeholders. We also posted the proposed standards to our statewide foster parent website. Over a hundred stakeholders attended the webinars and the website also generated feedback. We have gathered the State of Washington's comments and summarized them below, assessing the impacts that the draft standards would have on Washington State foster families if the standards were to be approved as proposed and required for all states.

Immunizations:

The proposed standard related to immunizations would have the most significant impact on Washington State foster parents. Washington State models immunization requirements and exemptions on public school requirements. These allow religious, personal, philosophical and medical exemptions to the immunization requirements for any children in the foster home who are not in out-of-home care. There was great opposition to the recommended changes disallowing all exemptions except for medical reasons. There are licensed families who have chosen to exercise the religious, personal, or philosophical exemptions and are currently licensed. These changes would force them to choose between fostering children and their personal or religious beliefs, and some have stated they would stop providing foster care. We understand the need to keep our foster children protected from communicable diseases and that is why we require all families and household members who serve children birth to age two, the population that is most vulnerable to under-immunization, to have Tdap and the annual influenza vaccination.

Washington already has a shortage of foster homes to meet the rising need, and this will only increase the need considerably if homes close their license due to this change. Washington State did receive considerable media attention due to the opposition of the Tdap immunization and flu vaccination requirements, and did lose some licensed foster homes that were caring for children under the age of two when Tdap and the annual influenza requirement went into effect in January of 2015. Quite a few families changed the age on their license because they refused or were unable to meet the new

requirements. We ask that this language be expanded to allow the religious, personal, and philosophical exemption for those families caring for foster children.

Transportation:

Washington also had an overwhelming response related to model standards for transporting foster children. We are aware we may be interpreting this inaccurately, but the proposed language states that “only adults in the home having a driving record in good standing transport a child”. If this requirement were taken literally, only adults living in the home could transport, precluding other adults not living in the home to transport children. This would prohibit transportation by biological parents, relatives, family friends, case workers, visitation transporters, school transportation, public transportation, etc. It would also not allow older adolescents to be transported by peers, as specified within the limits of Washington State law. It is assumed that this is not the intent of the proposed legislation. In Washington State, individuals transporting foster children are required to have a valid driver’s license and vehicle insurance. The vehicle also must be equipped with seat belts and proper car seats, and the number of people in the vehicle must not exceed the seat belts. This includes transportation of children by other natural supports to the child or foster parent. We follow Washington State law that allows 16 and 17 year-olds to transport their siblings. Washington requests the language be clarified to allow other adults approved by the foster parent, not living in the home, to transport and that 16 and 17-year-old youth be allowed to transport their siblings to avoid missing out on typical childhood activities.

Washington also asks that “good standing” be defined. We would like to know how a foster parent can demonstrate that they have a driving record in good standing.

Weapon Storage:

Washington received comments from foster parents related to storing guns and ammunition separately. Prior to 2016, Washington did require weapons and ammunition to be stored separately. We received comment from law enforcement noting that unloading and loading weapons on a daily basis actually causes damage to the weapon, leading to misfiring, or other mechanical issues. Washington’s administrative rules were changed in 2016 to allow guns and ammunition to be stored together, but only when stored in a gun safe. This still maintains safety in the home for the children, does not cause wear and tear to or malfunction of the weapon, and allows for quick access for protection. We ask that the language be changed to require guns and ammunition to be stored separately, unless stored in a gun safe.

Overcapacity:

We received comments related to foster home capacity. Our foster parents are willing to help when there are placement issues and will often agree to being over capacity on a temporary basis. Washington State does have a capacity limit of six children in a two-caregiver household, but we allow for overcapacities in extraordinary circumstances for siblings, respite, placement of a relative child, or because the foster parent has demonstrated exceptional abilities to meet the needs of children. Overcapacities are staffed with the caseworker and the licenser, and the licensing supervisor approves the overcapacity, knowing the history of the family, and only if appropriate. We would ask that the language be expanded to also allow overcapacity in foster homes that have demonstrated exceptional abilities to meet the needs of children.

Smoking:

Washington received comments from foster parents that the proposed language is unduly prohibitive. Washington state administrative rules do not allow a foster parent to smoke in their home at any time or in their car when a foster child is present. Strict interpretation of the proposed regulation would prohibit a foster parent from smoking in the mere presence of a child or youth in foster care. Consequently, foster parents would potentially have to leave children unattended to smoke. Additionally, Washington State allows for the spiritual use of tobacco in tribal communities. The proposed regulation does not provide for this exemption to allow Native American foster children to participate in these cultural activities, because there is the presence of tobacco at these outdoor events. We ask that “in the presence of the child in foster care” be removed from the standards and that an exemption be added to allow for the use of tobacco in the presence of foster children for Native American religious or spiritual ceremonies.

Pools:

Washington received comments regarding the proposed requirement that would require a barrier on all sides of a pool. When reviewing this expectation, it is unclear whether or not pool walls that are at least four feet or higher meet this standard. The Washington Administrative Code requires swimming pools or other bodies of water to be fenced with a locking gate or other approved device, however if the pool walls are four feet or higher then they can serve as the barrier, as long as access to the pool is removed. This rule was based off of the United States Consumer Product Safety Commission Safety Barrier Guidelines for Residential Pools. A safety plan is created for each pool, establishing that anything that can be used to access the pool is removed when not in use. We are requesting consideration that above ground pools with side walls four feet or higher satisfy the requirement.

Thank you for taking the time to allow the states to provide comment. If you have any further questions, please let me know. Thank you.

Luba Bezborodnikova
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By email

cc:

Ross Hunter, Secretary
Heather Moss, Deputy Secretary of Operations and Infrastructure