



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 10, 2018

TIME: 10:26 AM

WSR 19-01-023

Agency: Department of Children, Youth, and Families

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-21-050 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Amended WACs 110-90-0020 What is the purpose of the extended foster care program?; 110-90-0040 Who is eligible for tended foster care; 110-90-0110 How does a youth agree to participate in the extended foster care program?; and 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? Repealer WACs 10-90-0030 What is extended foster care?; 110-90-0041 When is a youth considered to be in "foster care?" and 110-90-0042 When is a youth not "in foster care"?

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

January 24, 2019	1:00 PM	1110 Jefferson St. SE, St. Helens Conference Room, Olympia, Washington	
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Date of intended adoption: January 30, 2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: DCYF Rules Coordinator

Address: P. O. Box 40975

Email: dcyf.rulescoordinator@dcyf.wa.gov

Fax: (360) 902-7903

Other: Submit comments online at <https://del.wa.gov/PolicyProposalComment/Detail.aspx>

By (date) January 24, 2019

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator

Phone: (360) 902-7956

Fax: (360) 902-7903

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Other:

By (date) January 21, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Changes proposed under this filing align extended foster care rules with recent legislative changes to program eligibility requirements, repeal a duplicative section, and make technical changes necessary after the decodification of sections from Title 388 WAC and recodification to Title 110 WAC.

Reasons supporting proposal: The extended foster care program supports eligible young adults between the ages of 18 and 21 in a successful transition to independence. Rule changes are necessary to comply with changes in state law.

Statutory authority for adoption: RCW 74.13.031

Statute being implemented: RCWs 13.34.267, 13.34.268, 74.13.031, and 74.13.336

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Children, Youth, and Families Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Sherrie Flores	DCYF, Olympia, Washington	(360) 902-8332
Implementation:	DCYF	Statewide	
Enforcement:	DCYF	Statewide	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies required to comply with RCW 34.05.328(5)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: December 10, 2018

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

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

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 (~~(in foster care)~~) 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.

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

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(~~(, placed in foster care as defined in WAC 388-25-0508 by CA,)~~) and:

- (a) Enrolled in school as described in WAC (~~(388-25-0512)~~) 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 (~~(388-25-0514)~~) 110-90-0060;
 - (c) Participating in a program or activity designed to promote employment or remove barriers to employment as described in WAC (~~(388-25-0515)~~) 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 to a documented medical condition as described in WAC (~~(388-25-0519)~~) 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 (~~(nineteen))~~ twenty-one; and
 - (iii) Meets one of the criteria found in subsection (1)(a) through (e) of this section.
- (2) A youth is not eligible to enroll in extended foster care while in the care and custody of juvenile rehabilitation, county detention, or in the department of corrections. Youth meeting EFC eligibility in subsection (1)(a) through (e) of this section may enroll when they are released from juvenile rehabilitation, county detention, or department of corrections custody.
- (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 (~~(one-time)~~) 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.

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

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 (~~(nineteen)~~) twenty-one; or

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

(3) An eligible (~~(nondependent)~~) nonminor dependent youth requesting to reenter the program may agree to participate by signing a VPA prior to reaching age twenty-one (~~(as long as the youth has not previously entered into a VPA for extended foster care services)~~).

(4) 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.

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

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:

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

(~~((b))~~) (2) Meets one of the conditions for eligibility in WAC (~~(388-25-0506)~~) 110-90-0040 (1)(a) through (e) (~~(; and~~

~~(c) Has not entered into a prior voluntary placement agreement with the department for the purposes of participating in the extended foster care program.~~

~~(2) Youth may reenter the extended foster care program one time between the ages of eighteen to twenty-one).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 110-90-0030	What is extended foster care?
WAC 110-90-0041	When is a youth considered to be "in foster care"?
WAC 110-90-0042	When is a youth not "in foster care"?