



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: January 13, 2020
TIME: 4:41 PM

WSR 20-03-095

Agency: Department of Children, Youth, and Families

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) February 1, 2020 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain: DCYF finds that an effective date of February 1, 2020 is necessary to comply with P.L. 115-123 (Family First Prevention Services Act). The rules are necessary to implement P.L. 115-123 and DCYF believes that a February 1, 2020 implementation is necessary for the continued receipt of federal funds..

Purpose: Implement model foster family home licensing standards developed by the U.S. Department of Health & Human Services (HHS) for eligibility requirements, home health and safety, capacity, sleeping arrangements, emergency preparedness, transportation, training, and foster parent assurances. Specifically: (1) require individuals who are at least 16 years old and living on the property (including those not living in the family home) to pass a background check; (2) require the licensee and all household members to have pertussis and influenza immunizations if a child in care is medically fragile, unless exempted by a licensed health care provider; (3) require one applicant for licensure in the home to have functional literacy and be able to communicate with the child, DCYF, health care providers, and other service providers; (4) establish over-capacity exceptions; (5) clarify requirements for a properly operating kitchen; (6) require recycling disposal service, if it is available; (6) establish safety requirements for swimming pools; (7) require evacuation plans to be reviewed with children in care and posted; (8) require a carbon monoxide detector for each occupied level in the home and at least one CM detector near each sleeping area; (9) prohibit co-sleeping and bed-sharing with children in care; (10) prohibit smoking in vehicles used to transport children; and (11) require proof of registration of a vehicle used to transport children in care.

Citation of rules affected by this order:

New:

Repealed:

Amended: WACs 110-148-1320, 110-148-1365, 110-148-1390, 110-148-1440, 110-148-1445, 110-148-1455, 110-148-1460, 110-148-1465, 110-148-1470, 110-148-1495, and 110-148-1510

Suspended:

Statutory authority for adoption: RCW 74.15.030; Chapter 74.15 RCW

Other authority: P.L. 115-123; 42 U.S.C. § 671(a)(36)(A)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-24-104 on December 4, 2019 (date).

Describe any changes other than editing from proposed to adopted version: Department of Health replaced with Washington State Department of Ecology as the approver of water testing laboratories in WAC 110-148-1445(2).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	<u>11</u>	Repealed	___
Federal rules or standards:	New	___	Amended	<u>11</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 13, 2019

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



WAC 110-148-1320 When will the department grant me a foster family license? (1) We issue you a license when you and everyone in your household meet the licensing requirements contained in this chapter, and all required documents are in the licensing file.

(2) You and other caregivers over the age of eighteen must:

(a) Complete first aid training and age-appropriate (adult ~~(and/or))~~ or infant CPR (cardiopulmonary resuscitation). Training must be department approved and accredited with nationally recognized standards; and

(b) Complete HIV/AIDS and bloodborne pathogens training including infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) You, your household members, individuals living on any part of your property, and anyone else having unsupervised contact with your foster ~~((child(ren)))~~ children must pass ~~((the following))~~ a background check ((requirements per chapter 388-06A WAC (This includes people living on any part of your property))), as required by chapter 110-04 WAC:

(a) Anyone sixteen years old or older must pass a background check;

(b) Anyone younger than sixteen years old must pass a background check if the department determines one is warranted to ensure the safety of a child;

(c) Anyone eighteen years old or older must pass an FBI fingerprint-based background check; and

(d) Anyone eighteen years old or older must complete a child abuse and neglect registry check from each state they have lived in over the past five years indicating:

(i) No license denials or revocations from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's health, safety, well-being and long-term stability; and

(ii) No finding or substantiation of abuse or neglect of a child or a vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You ~~((7))~~ and your household members over the age of eighteen must submit a negative tuberculosis test or an X-ray, unless you can demonstrate a medical reason prohibiting the TB test, or have had a negative TB test ~~((in the previous))~~ within the twelve months prior to receipt of the application. If there is a positive TB test, then the individual must submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(5) You must have proof of current immunizations for any children living ~~((on your premises))~~ in the household, not including children in out-of-home care. We may ~~((, in consultation with a licensed health care provider,))~~ grant a medical exception to this requirement if ~~((you have a statement from))~~ the immunization is contrary to the child's health as documented by a licensed health care provider ((MD, DO, ND, PA and ARNP)).

(6) ~~((We recommend that))~~ You and all household members must have pertussis and influenza immunizations ((. The department will not license you)) to serve foster children who are:

~~(a) Under the age of two (, without proof of pertussis and influenza immunizations for all people living in your home. The department may license you to serve children under the age of two even though you or someone in your home is unable to obtain an influenza vaccination for medical reasons. In this case, a licensed health care provider's statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences. All other persons in the home must still be vaccinated); or~~

(b) Medically fragile as defined in WAC 110-148-1305.

(c) A medical exception may be granted if the immunization is contrary to your or the household member's health as documented by a licensed health care provider.

(7) Before granting or renewing a license, your licensor will assess your ability to provide a safe home and to provide the quality of care needed by children placed in your home. Your licensor will also determine that you meet training requirements.

(8) Foster children under the care and authority of the department living in your home do not need to obtain a criminal history check, FBI fingerprint check, or TB test.

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

WAC 110-148-1365 What are the personal requirements for foster parents? (1) You must be at least twenty-one years old to apply for a license.

(2) You must demonstrate you have:

(a) The understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, cultural, and social needs of children under your care; ((and))

(b) You must have sufficient regular income to maintain your own family, without the foster care reimbursement made for the children in your care;

(c) At least one applicant in the home must have functional literacy; and

(d) You must be able to communicate with the child, the department, health care providers, and other service providers.

(3) You may not use drugs or alcohol, whether legal or illegal, in a manner that affects your ability to provide safe care to children.

(4) You and everyone residing on your premises or who you allow to have unsupervised access to children must demonstrate they have the ability to furnish children with a nurturing, respectful, and supportive environment.

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

WAC 110-148-1390 Can I accept children outside the limitations of my license? (1) We have the discretion to allow you to temporarily exceed your capacity. We may do this when you provide care for a sibling group, respite care, placement of a relative child, or because you have demonstrated exceptional abilities to meet the needs of children. The placement must be in the best interest of the child and may not affect the health and safety of other children in the home.

(2) If your home is licensed for six foster children, LD will not allow you to exceed your capacity, except to allow:

(a) Parenting youths in foster care to remain with their children;

(b) Siblings to remain together;

(c) A child who has an established, meaningful relationship with the family to remain with the family; or

(d) A family with the necessary special training or skills to provide care to a child who has a severe disability.

(3) The approval must be in writing and we may require a written plan for additional supervision or other requirements before granting approval.

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

WAC 110-148-1440 What are the requirements for my home and property? (1) Your home must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat to ensure the health and comfort of all members of the household.

(2) Your home must have a properly operating kitchen with a properly maintained and working:

(a) Sink;

(b) Refrigerator;

(c) Stove; and

(d) Oven.

(3) You must keep your home, property, living areas and furnishings:

(a) Clean, ~~((comfortable and in good repair))~~ safe, and sanitary;

(b) Reasonably free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods available; and

(c) ~~((Reasonably))~~ Free from ((anything)) dangerous objects and conditions that may be a hazard to children.

~~((3))~~ (4) You must keep all toxic materials out of the reach of children and separated from food items.

~~((4))~~ (5) You must provide adequate laundry and drying equipment, or make other arrangements for laundry on a regular basis.

~~((5))~~ (6) People must be able to easily open doors from the inside and outside in all areas of the home that are occupied. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

~~((+6))~~ (7) The cleanliness and care of your home must meet generally accepted health standards for the storage and preparation of food.

~~((+7))~~ (8) You must develop a plan with your licensor to address hazardous conditions that are present in your home or on your property.

~~((+8))~~ (9) You are responsible for following all local and state regulations such as zoning regulations, local building codes, and fire codes. The department may require you to provide proof that you are complying with local regulations.

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

WAC 110-148-1445 What are the requirements for water, garbage, and sewer in my home? (1) You must maintain adequate sewage and garbage facilities, as well as recycling disposal service if it is available. You must discharge sewage into a public system or into a functioning septic system or a Washington state department of health approved ~~((and/or))~~ or tribal authority alternative system.

(2) You must have access to a public water supply unless you have a private water supply tested by the local health district or a private water-testing laboratory approved by the ~~((department of health))~~ Washington state department of ecology or tribal government. Testing is required at the time of licensing, relicensing and at any time the department or child placing agency deems necessary.

(3) The temperature of running water may not exceed one hundred twenty degrees.

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

WAC 110-148-1455 How must I keep children safe around bodies of water? (1) You must ensure children in your care are safe around bodies of water. You must:

(a) Keep all swimming pools and other bodies of water fenced with a locking gate or other ~~((DLR-approved))~~ LD-approved safety device;

(b) Lock hot tubs when not in use;

(c) Make all potential water hazards, including wading pools, inaccessible to children when not in use;

(d) Equip your swimming pool with a life saving device, such as a ring buoy; and

(e) Empty your swimming pool after each use. If your swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(2) All swimming pools and other bodies of water must comply with state and local regulations. You must work with your licensor to establish a plan for the bodies of water based on the development level and behaviors of the children in your home.

(3) You must observe the following when foster children are swimming in pools and outdoor bodies of water:

- (a) Swim only in designated swimming areas; or
- (b) Require all children age thirteen and under to wear U.S. Coast Guard-approved personal floatation devices when swimming outside the supervision of a lifeguard.
- (4) If you have any water-based recreation devices, you must use and maintain them according to manufacturer's recommendations. All children and youth who ride in a water-based recreation device must wear a U.S. Coast Guard-approved personal floatation device at all times.
- (5) An adult with current age-appropriate first aid and CPR or a lifeguard must supervise children swimming under age twelve, and must be able to see and hear the children at all times. Children under the age of five must be within touching distance of a supervising adult or the birth parent at all times.

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

WAC 110-148-1460 How do I prepare for a natural disaster or emergency?

- (1) You must develop an evacuation plan in case of a fire, natural disaster or other emergency. The plan must include:
- (a) An evacuation floor plan, identifying exit doors and windows;
 - (b) Action to take for evacuating your home that ensures responsibility for the children; ~~((and))~~
 - (c) A plan for notification regarding the whereabouts and well-being of the children following the evacuation; and
 - (d) Your plan must be reviewed with the children and posted in a prominent place in the home.
- (2) You must share this plan with your licensor and update the plan when circumstances in your home change. The emergency plan will be based on the type of children in your care, and the conditions of your home and property. Evacuation plans may change based on the developmental level and behaviors of children living in your home.
- (3) Your required plan for natural disasters should include supplies of food, water, medications, and other necessary supplies.
- (4) Emergency evacuation drills ~~((shall))~~ must be practiced at least quarterly with children in your home. You must review evacuation procedures with every child when ~~((he or she is))~~ they are placed in your home.

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

WAC 110-148-1465 What other emergency fire and safety requirements must I follow to become licensed?

- (1) You must observe all state and local fire codes (WAC 212-12-005). We will determine that reasonable fire safety standards exist in your home based on the children placed in your home.
- (2) Children must be able to escape from every floor in your home. In most cases, this includes a functional fire ladder available from upper stories.

(3) Windows must open to the outside and be large enough for a rescue person to enter and exit wearing rescue gear, unless the building or structure was previously approved by the local fire marshal or building official with jurisdiction.

(4) You must have easy access to all rooms in your home in case of emergency.

(5) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

(6) Your home must have smoke detectors in operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the home, in all play areas, and in the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one carbon monoxide detector on each level of occupancy in the home and at least one near each sleeping area.

(8) You must have at least one approved 2A10BC-rated five pound or larger all-purpose fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications.

~~((8))~~ (9) Barriers are required for fireplaces, wood stoves, and other heating systems if you are licensed for children less than six years of age. You must not leave open-flame devices unattended or use them incorrectly.

~~((9))~~ (10) Emergency vehicles must be able to access your home. Your address must be clearly visible on your home or mailbox so that emergency personnel can easily find your home.

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

WAC 110-148-1470 What are the general requirements for bedrooms?

(1) Each child must have a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs. Children may share bedrooms, in compliance with WAC ~~((388-148-1475))~~ 110-148-1475.

(2) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, ~~((or))~~ unfinished basements, or other common areas as bedrooms.

(4) Children must not be required to pass through private bedroom space in order to access common areas of the home.

(5) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

(6) You must provide an appropriately sized separate bed for each child with clean bedding and a mattress in good condition.

(7) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(8) You must assure that children have access to clean clothing that is appropriate for their age. You must provide safe storage of children's clothing and personal possessions.

(9) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW and the Consumer Product Safety Improvement Act of 2008. These requirements include:

(a) A maximum of 2 3/8" between vertical slats of the crib; and

(b) Cribs, infant beds, bassinets, and playpens must be made of wood, metal, or approved plastic, with secure latching devices and clean, firm, snug-fitting mattresses covered with waterproof material that can easily be disinfected.

(10) You must not cosleep or bed share on any sleeping surface (such as a bed, sofa, or chair) with children in care.

(11) You must place infants on their backs for sleeping, unless advised differently by the child's licensed health care provider.

~~((11))~~ (12) You must not have loose blankets, pillows, crib bumpers, or stuffed toys with a sleeping infant.

~~((12))~~ (13) You may swaddle infants using one lightweight blanket upon the advice and training of a licensed health care provider. You must keep the blanket loose around the hips and legs when swaddling in order to avoid hip dysplasia. You may swaddle infants under two months of age unless a licensed health care provider directs otherwise. You must not dress a swaddled infant in a manner that allows them to overheat.

~~((13))~~ (14) You must not use wedges and positioners with a sleeping infant unless advised differently by the infant's licensed health care provider.

~~((14))~~ (15) You must not use weighted blankets for children under three years of age or for children of any age with mobility limitations.

~~((15))~~ (16) You may use a weighted blanket upon the advice and training from a licensed health care provider for children over the age of three years who do not have mobility limitations. You must meet the following requirements:

(a) The weight of the blanket must not exceed ten percent of the child's body weight;

(b) Metal beads are choking hazards and must not be used in a weighted blanket;

(c) You must not cover the child's head with a weighted blanket or place it above the middle of the child's chest;

(d) The weighted blanket must not hinder a child's movement; and

(e) The weighted blanket must not be used as a restraint.

~~((16))~~ (17) You must not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development, or condition, such as preschool children, expectant mothers, and children with a disability.

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

WAC 110-148-1495 What are the requirements for smoking around children? (1) You must not allow smoking in your home. You may not smoke in motor vehicles ~~((when))~~ used to transport children ~~((are present))~~.

(2) You may permit adults to smoke outdoors away from children in accordance with RCW 70.160.075.

(3) These requirements do not apply to traditional or spiritual Native Alaskan/Native American or religious ceremonies involving the use of tobacco.

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

WAC 110-148-1510 What requirements do I need to follow when I transport children? ~~((1))~~ When you transport children in your care you must follow these requirements:

~~((a))~~ (1) The vehicle must be kept in a safe operating condition;

~~((b))~~ (2) The driver must have a valid driver's license;

~~((c))~~ (3) The driver or owner of the vehicle must be covered under an automobile liability insurance policy and have proof of registration;

~~((d))~~ (4) The vehicle must be equipped with seat belts, car seats and booster seats, ~~((and/or))~~ and other appropriate safety devices for all passengers ~~((as))~~ required by law;

~~((e))~~ (5) The number of passengers must not exceed the vehicle's seat belts; and

~~((f))~~ (6) Each person in the vehicle must use an individual seat belt or approved child passenger restraint system whenever the vehicle is in motion, and follow the law regarding placement of children in vehicles.