



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: May 30, 2025

TIME: 11:09 AM

WSR 25-12-071

Agency: Department of Children, Youth, and Families

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (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:

Purpose: The Licensing Division (LD) is establishing and amending rules regarding the licensing standards for kinship caregivers. This rulemaking also allows LD to issue child-specific licenses to kinship caregivers and eliminate the need to use non-safety exemptions and waivers to license these homes. This will reduce barriers and improve equity for kinship caregivers applying to be licensed. This new chapter and related WAC amendments will also provide greater stability and outcomes for children and youth entering foster care.

Citation of rules affected by this order:

New: 110-50-0165, 110-149-0010, 110-149-0020, 110-149-0030, 110-149-0040, 110-149-0050, 110-149-0060, 110-149-0070, 110-149-0080, 110-149-0090, 110-149-0100, 110-149-0110, 110-149-0120, 110-149-0130, 110-149-0140, 110-149-0150, 110-149-0160, 110-149-0170, 110-149-0180, 110-149-0190, 110-149-0200, 110-149-0210, 110-149-0220, 110-149-0230, 110-149-0240, 110-149-0250, 110-149-0260, 110-149-0270, 110-149-0280, 110-149-0290, 110-149-0300, 110-149-0310, 110-149-0320, 110-149-0330, 110-149-0340, 110-149-0350, 110-149-0360, 110-149-0370, 110-149-0380, 110-149-0390, 110-149-0400, 110-149-0410

Repealed: 110-148-1326

Amended: 110-50-0170, 110-50-0180, 110-50-0190, 110-150-0230, 10-50-0240, 110-147-1300, 110-147-1305, 110-147-1340, 10-147-1345, 110-147-1350, 110-147-1360, 110-147-1460, 110-147-1555

Suspended:

Statutory authority for adoption: Chapters 13.34, 74.13, and 74.15 RCW and 45 C.F.R. § 1355 and 45 C.F.R. § 1356

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-01-091 on December 13, 2024 and WSR 29-09-153 on April 22, 2025 (date).

Describe any changes other than editing from proposed to adopted version: Minor edits for clarity and grammar were made to several WACs in chapter 110-149 WAC based on the public comment received. All changes are noted in the Concise Explanatory Statement included in this filing.

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	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>42</u>	Amended	13	Repealed	<u>1</u>

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	<u>42</u>	Amended	13	Repealed	<u>1</u>

Date Adopted: May 30, 2025

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



RELATIVES AND SUITABLE PERSONS PLACEMENTS

NEW SECTION

WAC 110-50-0165 Definitions for relatives and suitable persons placements. The following definitions apply to relatives and suitable persons placements:

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

"Relatives" means the same as defined in RCW 13.36.020(5), described in RCW 74.15.020(2), or caregivers of Indian children or youth who are defined by tribal code or custom as relatives or extended family.

"Suitable persons" means nonrelatives with whom the child or youth, or the child's or youth's family, has a preexisting relationship; who has completed all required criminal history background checks and otherwise appears to be suitable and competent to provide care for the child or youth, and with whom they have been placed pursuant to RCW 13.34.130.

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

WAC 110-50-0170 ~~((Under what circumstances does the department choose a relative as the placement for a child in need of out-of-home care?))~~ Determining relatives or suitable persons as placements for children and youth in out-of-home care. ~~((1) When the department determines that a child needs to be placed outside the home, the department must search for appropriate relatives to care for the child before considering nonrelative placements. See RCW 74.15.020 for the definition of "relative."~~

~~(2) The department reviews and determines the following when selecting a relative placement:~~

- ~~(a) The child would be comfortable living with the relative;~~
- ~~(b) The relative has a potential relationship with the child;~~
- ~~(c) The relative is capable of caring for the child and is willing to cooperate with the permanency plan for the child;~~
- ~~(d) The relative is able to provide a safe home for the child;~~
- ~~(e) Each child has their own bed or crib if the child remains in the home beyond 30 days.~~

~~(3) The department may consider nonrelated family members as potential resources, if these family members become licensed to provide foster care (see RCW 74.15.030).)~~ (1) The department must search for appropriate relatives or suitable persons for placement, prior to placing children or youth in foster homes when the department determines that they need to be placed in out-of-home care.

(2) The department must assess the following when selecting relatives or suitable persons for placement of children and youth:

(a) The children or youth would be comfortable living with the relative or suitable person; and

(b) The relative or suitable person is:

(i) Related to or has a preexisting relationship with them;

(ii) Capable of caring for them and is willing to cooperate with the child's or youth's permanency plan; and

(iii) Able to provide them a safe home, and:

(A) Sleeping arrangements that are based on their age, development, and specific needs, unless there is a written plan approved by the caseworker to mitigate safety concerns; and if they remain in their home for more than 30 calendar days, they must verify each child under 12 months old has their own safe sleeping space that meets infant safe sleep requirements, such as a:

(I) Bassinet;

(II) Crib that complies with chapter 70.111 RCW and 16 C.F.R. 1219.1220;

(III) Portable crib; or

(IV) Native American:

• Moss boards; or

• Cradle boards; and

(B) Confirm that the children or youth older than 12 months have their own individual safe sleeping space with bedding, unless other arrangements have been approved by the children's or youth's caseworkers.

(3) The department may consider foster care as a potential placement resource, when there are no approved relatives or suitable persons available to provide placement, per chapter 13.34 RCW.

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

WAC 110-50-0180 ~~((Under what circumstances may a relative not be considered as a placement option for a child?))~~ **When relative's and suitable person's background checks may exclude them as placement options.** ~~((The department may exclude relatives who have criminal histories as included in the Adoption and Safe Families Act (ASFA) regulations.~~

~~(1) If the department finds that, based on a criminal records check, a court of competent jurisdiction has determined that the relative or a member of the household has been convicted of a felony involving:~~

~~(a) Child abuse or neglect;~~

~~(b) Spousal abuse;~~

~~(c) A crime against a child or children (including child pornography); or~~

~~(d) Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.~~

~~(2) The department may not approve a relative placement if the department finds the relative, or a member of the household, has, within the last five years, been convicted of a felony involving:~~

~~(a) Physical assault;~~

~~(b) Battery; or~~

~~((c) A drug related offense.))~~ The department must follow WAC 110-04-0120 when assessing background checks for relatives and suitable persons requesting to be a placement option for children and youth.

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

WAC 110-50-0190 ~~((What sources of financial support are available to a relative caring for a child that the department has placed in the relative's home?))~~ Financial supports for relatives and suitable persons caring for children and youth placed by the department. (1) ~~((For relatives needing financial support to care for the child, the social worker))~~ Caseworkers may assist ~~((the family))~~ unlicensed relatives and suitable persons that need financial support to care for children or youth to apply for temporary assistance for needy families (TANF) through the ~~((department's))~~ department of social and health services (DSHS) local community services office (CSO).

(2) Relatives and suitable persons who are licensed ~~((as))~~ kinship caregivers or foster parents ~~((may choose to))~~ :

(a) Will receive foster care maintenance payments ~~((The relative))~~ ; and

(b) Must not receive TANF benefits ~~((in))~~ on behalf of the child or youth in care ~~((while))~~ at the same time they are receiving foster care payments ~~((see RCW 74.15.030))~~ .

(3) A relative or suitable person who is not a licensed kinship caregiver or foster parent at the time of placement may apply to become either:

(a) A licensed kinship caregiver as described in chapter 110-149 WAC; or

(b) A foster parent as described in chapter ~~((388-148))~~ 110-148 WAC.

(4) The relative or suitable person caring for the ~~((child))~~ children or youth in out-of-home ~~((placement))~~ care may apply to be ~~((the))~~ their representative payee for supplemental security income (SSI) or Social Security Administration benefits for the ~~((related))~~ child or youth living with ~~((the relative))~~ them. However, if the child or youth is a dependent of ~~((the state of))~~ Washington state with custody assigned to the department by the court, the department will usually remain the payee ~~((in))~~ on their behalf ~~((of the child))~~ until the dependency is dismissed.

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.

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))~~ same 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))~~ individuals working on behalf of a child or youth.

"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 appro-~~

priateness 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)) followed by the child's or youth's parents, kinship caregivers, foster parents, and all other caregivers.

"Caseworker" means the primary agency worker assigned to ((the child)) children or youth through ((DCYF)) the department or ((other)) another government agency including tribal governments.

"Certification" means ((a licensed child placing agency (CPA) review that a foster 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)):

(a) Kinship or foster homes supervised by a CPA that meet the licensing requirements; or

(b) Individuals approved by the department as certified respite providers.

"Chapter" means chapter 110-147 WAC.

((("Child,") "Child placing agency (CPA)" means agencies or tribes licensed to place children or youth for foster care, kinship care, or adoption and may be contracted by the department to provide professional therapeutic foster care (PTFC) services.

"Children((,))" or "youth" ((for this chapter,)) means ((a person who is)) individuals who are one of the following:

(a) ((Under)) Younger than 18 years of age;

(b) Kindergarten to 18 years of age residing in a residential private school;

(c) 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:

(i) High school or equivalency course of study ((+(GED/HSEC),)); or

(ii) Vocational program;

~~((e))~~ (d) Up to 21 years of age and ~~((participates))~~ participating in the extended foster care (EFC) program;

~~((d))~~ (e) Up to 21 years of age with intellectual and developmental disabilities; or

~~((e))~~ (f) Up to 25 years of age and ~~((under))~~ in the custody of the juvenile rehabilitation ~~((system))~~ division.

~~("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.

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

"Department" means the Washington state 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))~~ parents" means ~~((a person(s)))~~ individuals licensed through chapter 110-148 WAC to regularly provide 24-hour care in their home to children or youth.

"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, not permanent.

"Guardians" ~~((has the same meaning in this chapter as))~~ means the same as legal guardian 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))~~ same as defined in WAC 110-03-0020.

"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.

"Infants" means a child ~~((less than 12 months of age))~~ from birth to one year old.

"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.

"Lesbians" 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))~~ the department when a foster parent or licensed kinship caregiver 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))~~.

"Licensed kinship care" or "licensed kinship caregivers" means the full-time care of children or youth by licensed relatives, suitable persons, or relatives defined by tribal code or custom.

"Licensing division (LD)" means the division within ~~((DCYF))~~ the department that licenses and monitors foster homes, ~~((child placing agencies))~~ licensed kinship homes, residential private schools, CPAs, 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 employees who recommend~~((s))~~ approvals for~~((r))~~ or monitor~~((s))~~ licenses or certifications for foster homes, licensed kinship homes, residential private schools, facilities, and agencies established under this chapter; or

(b) ~~((An employee of a))~~ CPA employees who ~~((certifies or monitors))~~ certify or monitor foster homes, kinship homes, that are 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 or youth who requires the availability of 24-hour skilled care from a health care professional or specially trained family or foster or kinship 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 or youth are interrupted or denied, ~~((the child))~~ they may, without immediate health care intervention, experience death. These conditions may be present all the time or frequently occurring.

"Missing ~~((child))~~ children" 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))~~ or youth under the placement, care, and authority of the department whose whereabouts are unknown or ~~((the child has))~~ who have left care without the permission of ~~((the child's))~~ their caregiver or ~~((DCYF))~~ the department. This does not include children in dependency guardianship or youth in the EFC program.

"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 um-

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))~~ the same as defined in RCW 13.34.030.

"Parents" ~~((has))~~ means 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))~~ the same as defined in RCW 74.15.020.

"Property or premises" means ~~((a facility's buildings and adjoining grounds that are managed by a person or agency in charge))~~ homes, buildings, and grounds, including those adjacent to the residential property, that are owned, rented, and managed by applicants or licensees.

"Queer" ~~((is a term used to express))~~ means 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.

"Relatives" means ~~((a person who is related to a child as defined in RCW 74.15.020))~~ the same as defined in RCW 13.36.020(5), described in RCW 74.15.020(2) and 11.130.010(32), or caregivers of Indian children or youth who are defined by their tribal code or custom as relatives or extended family.

"Respite" means ~~((brief))~~ the same as defined in RCW 74.13.270 including, but not limited to, appropriate, temporary ((relief)) short-term 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.

"Sexual orientation, gender identity, and expression (SOGIE)" ~~((is an acronym for sexual orientation, gender identity, and expression which are))~~ means 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 or youth, including ~~((the child's))~~ their parents or guardians, 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))~~ Native Americans to describe Native ~~((people))~~ American individuals 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.

Chapter 110-149 WAC
LICENSING REQUIREMENTS FOR KINSHIP HOMES

PURPOSE, DEFINITIONS, AND NONDISCRIMINATION

NEW SECTION

WAC 110-149-0010 Purpose and legal basis for kinship homes. (1)

This chapter contains licensing requirements for kinship homes licensed directly by the department or certified through a child placing agency (CPA). Unless noted otherwise, these requirements apply to caregivers licensed to provide kinship care.

(2) The licensing division (LD) or certified CPA is responsible for licensing kinship homes and monitoring the care provided to children or youth placed in licensed kinship homes and verifying they meet the minimum licensing requirements in this chapter.

(3) The legal basis for licensed kinship homes, which authorizes the department to license and to provide kinship care placement services, are:

- (a) Chapter 13.34 RCW;
- (b) Chapter 74.13 RCW;
- (c) Chapter 74.15 RCW;
- (d) 45 C.F.R. § 1355; and
- (e) 45 C.F.R. § 1356.

(4) These licensing requirements are designed to verify children and youth who are in licensed kinship care are safe, healthy, and protected from all forms of child abuse and neglect as outlined in:

- (a) RCW 26.44.020; and
- (b) Chapter 110-30 WAC.

NEW SECTION

WAC 110-149-0020 Definitions. The following definitions are for the purpose of this chapter and important to understanding these requirements:

"**Abuse or neglect**" means the same as defined in RCW 26.44.020.

"**Agency**" means the same as defined in RCW 74.15.020.

"**Applicants**" means individuals applying to receive a kinship license.

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

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

"Caregivers" means applicants for kinship licenses or licensed kinship caregivers.

"Case plans" means a written document followed by the children's or youth's parents, kinship caregivers, foster parents, and all other caregivers.

"Caseworkers" means primary agency workers assigned to children or youth through the department or another government agency including tribal governments.

"Certification" means:

(a) Kinship or foster homes supervised by a CPA that meet the licensing requirements; or

(b) Individuals approved by the department as certified respite providers.

"Chapter" means chapter 110-149 WAC.

"Child placing agency (CPA)" means agencies or tribes licensed to place children or youth for foster care or adoption and may be contracted by the department to provide professional therapeutic foster care (PTFC) services.

"Children" or **"youth"** means individuals who are one of the following:

(a) Younger than 18 years of age;

(b) Kindergarten to 18 years of age residing in a residential private school;

(c) 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:

(i) High school or equivalency course of study; or

(ii) Vocational program;

(d) Up to 21 years of age and participating in the extended foster care (EFC) program;

(e) Up to 21 years of age with intellectual and developmental disabilities; or

(f) Up to 25 years of age and in the custody of the juvenile rehabilitation division.

"Child-specific license" means the same as defined in RCW 74.15.125.

"Cisgender" means an individual whose gender identity aligns with those typically associated with the sex assigned to them at birth.

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

"Firearms" means a weapon or device designed to cause bodily harm or physical damage from which projectiles may be fired by an explosive such as gunpowder. These include, but are not limited to, handguns, rifles, and shotguns.

"Foster homes" or **"foster parents"** means individuals licensed through chapter 110-148 WAC to regularly provide 24-hour care in their home to children or youth.

"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 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, not permanent.

"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.

"Guardians" means the same as defined in RCW 13.34.030.

"Hearings" means the same as defined in WAC 110-03-0020.

"Heterosexual" means an individual who is exclusively attracted to individuals of the opposite sex or gender.

"Household members" means anyone living in the licensed home or living on the licensed property who has unsupervised access to children or youth.

"Indian children" means the same as defined in WAC 110-110-0010.

"Infants" means a child from birth to one year old.

"Initial licenses" means the same as defined in RCW 74.15.120.

"Intersex" means 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.

"Interstate Compact on the Placement of Children (ICPC)" means the agreement enacted into law in all 50 states, the District of Columbia, and the U.S. Virgin Islands that establishes processes and requirements to:

(a) Provide protection and services to children and youth placed across state lines; and

(b) Verify interstate placements remain safe, suitable, and in the children's or youth's best interest.

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

"Lesbians" 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 the department when a kinship caregiver and their home meet the licensing requirements established in this chapter.

"Licensed health care providers" means medical doctors, doctors of osteopathy, doctors of naturopathy, physician assistants, or advanced registered nurse practitioners.

"Licensed kinship care" or **"licensed kinship caregivers"** means the full-time care of children or youth by licensed relatives, suitable persons, or relatives defined by tribal code or custom.

"Licensing division (LD)" means the division within the department that licenses and monitors foster homes, licensed kinship homes, residential private schools, CPAs, and licensed group care facilities.

"Licensors" means either:

(a) LD employees who recommend approvals for or monitor licenses or certifications for foster homes, licensed kinship homes, residential private schools, facilities, and agencies established under this chapter; or

(b) CPA employees who certify or monitor foster homes supervised by the CPA.

"Medically fragile" means the condition of a child or youth who requires the availability of 24-hour skilled care from a health care

professional or specially trained family or foster family member. If the technology, support, and services being received by the medically fragile children or youth are interrupted or denied, they may, without immediate health care intervention, experience death. These conditions may be present all the time or frequently occurring.

"Missing children" means any child or youth under the placement, care, and authority of the department whose whereabouts are unknown or who have left care without the permission of their caregiver or the department. This does not include children or youth in dependency guardianships.

"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.

"Other weapons" means instruments other than firearms intentionally designed to cause bodily harm or physical damage. These include, but are not limited to, BB guns, pellet guns, air rifles, stun guns, and archery equipment.

"Out-of-home care" means the same as defined in RCW 13.34.030.

"Over-the-counter medications" means drugs that can be obtained without a prescription and their use is not restricted by a licensed health care provider. For the purpose of this chapter this includes, but is not limited to, herbal supplements, vitamins, eye drops, ointments, and pain relievers.

"Parents" means the same as defined in RCW 26.26A.010.

"Permanency plan" means the decision regarding the placement of children or youth resulting from a permanency hearing as defined in RCW 13.34.136.

"Property" or **"premises"** means homes, buildings, and grounds, including those adjacent to the residential property that are owned, rented, or managed by the applicant or licensee.

"Provisional expedited kinship license" means a license issued to kinship caregivers who meet the requirements outlined in RCW 74.15.127 and WAC 110-149-0390.

"Prudent parent" means the same as defined in RCW 74.13.710, or as defined by the tribe.

"Psychotropic medications" means a type of medicine prescribed to affect or alter thought processes, mood, sleep, or behavior. These include antipsychotic, antidepressant, and anti-anxiety medications.

"Queer" means 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.

"Relatives" means the same as defined in RCW 13.36.020(5), described in RCW 74.15.020(2) and 11.130.010(32), or caregivers of Indian children or youth who are defined by their tribal code or custom as relatives or extended family.

"Respite" means the same as defined in RCW 74.13.270 including, but not limited to, appropriate, temporary, short-term care provided by an in-home or out-of-home provider paid by the department.

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

"Sexual orientation, gender identity, and expression (SOGIE)" means distinct identifiers everyone has. LGBTQIA+ is a sub-distinction within SOGIE self-identifiers. SOGIE includes LGBTQIA+ as well as heterosexual, cisgender, and nonquestioning individuals.

"Suitable persons" means nonrelatives with whom the child or youth, or the child's or youth's family, has a preexisting relationship; who have completed all required criminal history background checks and otherwise appear to be suitable and competent to provide care for the child or youth, and with whom they have been placed, per RCW 13.34.130.

"Transgender" means 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.

"Two-spirit" means a modern umbrella term used by some Native Americans to describe Native American individuals 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.

NEW SECTION

WAC 110-149-0030 Nondiscrimination. Caregivers must meet non-discrimination requirements by:

(1) Following all state and federal laws regarding nondiscrimination while providing services to children and youth in care; and

(2) Supporting and engaging children and youth in care with dignity and respect regardless of actual or perceived race, ethnicity, religion, culture, or SOGIE.

CAREGIVER RIGHTS

NEW SECTION

WAC 110-149-0040 Licensing options. Caregivers may apply to:

(1) Receive a kinship or foster license through the department, CPA, or tribal CPA. If caregivers:

(a) Apply through a CPA or tribal CPA, CPA's have the discretion to:

(i) Determine whether to certify a caregiver; and

(ii) Have additional requirements for caregivers to become and remain a licensed kinship caregiver. Additional requirements must be related directly to the children's or youth's needs or case plans; and

(b) Disagree with a CPA's decision on whether to certify them, they must follow the CPA's appeals process to challenge the decision; and

(2) The state or a different CPA than they are currently applying to or are licensed with at any time.

NEW SECTION

WAC 110-149-0050 Accepting placements of additional children or youth. Caregivers must:

- (1) Only accept placements of kinship children or youth in out-of-home care, unless they are licensed foster parents under chapter 110-148 WAC, which allows them to accept nonkin placements; or
- (2) Have an updated assessment to include any additional kinship children or youth who were not identified on their current license within 90 days of the placement occurring.

NEW SECTION

WAC 110-149-0060 Foster care maintenance payments. Caregivers must be licensed to receive monthly foster care maintenance payments while caring for kinship children or youth, per WAC 110-50-0470.

NEW SECTION

WAC 110-149-0070 Training, services, and financial support. Caregivers may request the following from the department to assist in meeting the needs of kinship children or youth:

- (1) Training;
- (2) In or out-of-home services; or
- (3) Financial support including, but not limited to:
 - (a) Transportation or mileage reimbursement;
 - (b) Property damage reimbursement; and
 - (c) Clothing vouchers when kinship children or youth have an exceptional clothing need.

NEW SECTION

WAC 110-149-0080 Respite or babysitting for children and youth. Caregivers:

- (1) Have the right to receive breaks from caregiving, including respite;
- (2) Must obtain their caseworker's approval if babysitting will be provided regularly or more than 72 hours; and
- (3) May:
 - (a) Make their own arrangements for babysitting using the prudent parenting guidelines, if it will be provided occasionally and is less than 72 hours, per RCW 74.13.710;
 - (b) Have respite provided inside or outside of their home;
 - (c) Identify individuals to become certified kinship respite providers who will be paid by the department;
 - (d) Request the department or their CPA to help locate licensed foster homes to provide respite care; and

(e) Contact the children's or youth's caseworker to locate tribal certified respite homes.

NEW SECTION

WAC 110-149-0090 Paid certified kinship respite provider requirements. Certified kinship respite providers must:

- (1) Be approved by the department to receive payment prior to providing respite care; and
- (2) Complete the following when providing respite care in the:
 - (a) Licensed kinship caregiver's home:
 - (i) Application;
 - (ii) A federal bureau of investigation fingerprint-based background check;
 - (iii) At least one interview; and
 - (iv) Infant safety agreement; or
 - (b) Certified kinship respite provider's home. In addition to the requirements in this subsection, they must also complete:
 - (i) A walkthrough of their home with a licenser; and
 - (ii) Background checks for household members, as outlined in chapter 110-04 WAC.

NEW SECTION

WAC 110-149-0100 Providing kinship respite care in licensed kinship homes. Licensed kinship caregivers:

- (1) Must only provide respite care to other kinship children or youth; and
- (2) May request a reassessment of their current license to add kinship children or youth they plan to provide respite for to be eligible to receive payment for any respite provided.

NEW SECTION

WAC 110-149-0110 Applicants or licensed kinship caregivers' right to an administrative hearing. Caregivers:

- (1) Have a right to an administrative hearing per chapter 110-03 WAC;
- (2) May request an administrative hearing if they contest the department's decision to deny, suspend, or revoke their license; and
- (3) Must submit a written request for an administrative hearing to the office of administrative hearings within 28 calendar days of receiving a certified letter with the department's decision.

CAREGIVER REQUIREMENTS

NEW SECTION

WAC 110-149-0120 Meeting the basic and specific needs of children and youth. Caregivers must meet or request assistance from the children's or youth's caseworkers to develop a plan that meets the child's or youth's basic and specific needs. This includes, but is not limited to, providing:

- (1) Food, including options for:
 - (a) Allergies;
 - (b) Specific diets; and
 - (c) Cultures;
- (2) Seasonally appropriate clothes;
- (3) Medications;
- (4) Medical, vision, and dental care and equipment including, but not limited to:
 - (a) Incontinence items;
 - (b) Glasses; and
 - (c) Dental retainers; and
- (5) Diapers and wipes.

NEW SECTION

WAC 110-149-0130 Meeting the safety and well-being needs of children and youth. Caregivers:

- (1) Must follow these requirements when caring for children and youth:
 - (a) Make reasonable efforts to protect children and youth from abuse or neglect;
 - (b) Follow the children's or youth's case plans, including making them available for family time and visits with siblings;
 - (c) Provide access to meet with children or youth in care at any time, including at their home and property, to support their safety and well-being. Access must be given to the following, as applicable:
 - (i) The department;
 - (ii) CPA representatives;
 - (iii) Tribes; and
 - (iv) The child's or youth's guardian ad litem (GAL), court appointed special advocate (CASA), or attorney.
 - (d) Provide and arrange for care that is appropriate for children or youth;
 - (e) Provide children or youth with a safe, nurturing, respectful, and supportive environment;
 - (f) Obtain approval from the children's or youth's caseworker prior to making any significant changes to their appearance including, but not limited to:

- (i) Hair dying or haircuts;
- (ii) Piercings; and
- (iii) Tattoos;
- (g) Provide:
 - (i) Ongoing and appropriate haircare that is specific to the needs of the children or youth; and
 - (ii) Emotionally and developmentally appropriate care regarding their race, religion, culture, and SOGIE in their home and community including, but not limited to:
 - (A) Providing children and youth:
 - (I) A supportive and affirming environment;
 - (II) Opportunities for spiritual or religious participation or nonparticipation; and
 - (III) Tribal activities within their tribal community or extended family;
 - (B) Using their pronouns and chosen name;
 - (C) Not sharing their SOGIE without their permission; and
 - (D) Connecting them to appropriate resources; and
 - (h) Not use drugs or alcohol, whether legal or illegal, in a manner that affects their ability to provide safe care to children or youth; and
- (2) May be required to complete trainings or participate in in-home services to address the needs of children or youth placed in their home.

NEW SECTION

WAC 110-149-0140 Additional requirements for Indian children.

Caregivers must follow these additional requirements when caring for Indian children and youth in their care:

- (1) Provide opportunities and support by connecting them with their tribal families and communities including, but not limited to, attending cultural and spiritual events, activities, and ceremonies, or learning tribal stories and songs;
- (2) Collaborate with their caseworker:
 - (a) To support their connections to their tribal families and communities, as needed;
 - (b) When repairing, replacing, or providing culturally significant items; and
 - (c) To develop a case plan that includes, but is not limited to:
 - (i) Following the local Indian child welfare advisory committee recommendations, if applicable;
 - (ii) Managing tribally funded payments, e.g., per capita, general welfare, settlement funds, if applicable;
 - (iii) Possessing and using Native American traditional medicines including, but not limited to:
 - (A) Sage;
 - (B) Cedar; and
 - (C) Sweet grass; and
 - (iv) Using baby boards and moss bags;
 - (v) Providing plant-based or lactose free alternatives to cow's milk, if applicable;
 - (vi) Allowing Indian children or youth to attend cultural events and activities;

(vii) Not using discipline methods that interfere with the child's or youth's cultural needs, including cutting their hair, or taking away any religiously or culturally significant items or events; and

(viii) Consulting with tribes prior to any out-of-state or out-of-country travel when caring for children or youth in the care and custody of a tribal court; and

(3) Obtain approval from their caseworkers prior to making any changes to the child's or youth's appearance including, but not limited to:

- (a) Hair dying or haircuts;
- (b) Piercings; and
- (c) Tattoos.

NEW SECTION

WAC 110-149-0150 Conditions of the home. (1) Caregivers must make reasonable efforts for their home to meet the following conditions for and be based on the developmental needs of the children and youth placed in their care including, but not limited to:

- (a) Having:
 - (i) A method for heating and cooling;
 - (ii) Access to electricity and lighting, safe drinking water, and toilet and bathing facilities; and
 - (iii) Safe and sanitary pets; and
- (b) Verifying safe outdoor spaces when accessible to children or youth. This includes, but is not limited to, providing adequate supervision for the following:
 - (i) Trampolines;
 - (ii) Bodies of water;
 - (iii) Pools;
 - (iv) Hot tubs; and
 - (v) Fire pits; and
- (c) Mitigating residence hazards including, but not limited to:
 - (i) Pest infestation;
 - (ii) Fire hazards, including exposed wires or flammable materials within three feet of a fire source; and
 - (iii) Other safety hazards that may be accessible to children or youth, including:
 - (A) Overflowing garbage;
 - (B) Uncontained pet waste; and
 - (C) Excessive debris.

(2) The department will make reasonable efforts to assist caregivers in acquiring necessary items to verify and maintain safe and sanitary conditions of the home and property, if these conditions are not met.

NEW SECTION

WAC 110-149-0160 Sleeping arrangements. Caregivers must meet the following sleeping arrangement conditions based on children's or youth's ages, development, and specific needs:

(1) Children under 12 months old must have a safe sleeping space that meets the infant safe sleep requirements, which includes bassinets, Native American cradle boards and moss bags, portable cribs, or cribs. Cribs must comply with:

- (a) Chapter 70.111 RCW; and
- (b) 16 C.F.R. 1219 or 1220; and

(2) Children and youth older than 12 months must have their own safe sleeping space with bedding, unless other arrangements have been approved by their caseworker.

NEW SECTION

WAC 110-149-0170 Medical consent. Caregivers:

(1) Have the authority to consent to routine medical, dental, and vision care on behalf of children or youth in the placement care and authority of the department or tribe who are younger than 18 years of age who are placed in their care;

(2) Must:

(a) Discuss children's and youth's routine care needs with the caseworkers who will incorporate the care needs into their case plans;

(b) Obtain direction from the tribes for permission to consent for medical care for children or youth in the custody of tribal court;

(c) Contact the children's or youth's caseworkers prior to scheduling nonroutine and nonemergent medical services. These services include, but are not limited to:

(i) Any procedures requiring anesthesia, e.g., tonsillectomy, tympanostomy, or wisdom teeth extraction;

(ii) Psychotropic medications for any children younger than 13 years of age or who are not able to give their own consent;

(iii) Surgery; and

(iv) Medical procedures; and

(d) Follow state laws regarding children's or youth's ability to access and consent to medical care including, but not limited to:

(i) Mental health care;

(ii) Protected health care;

(iii) Reproductive health care;

(iv) Sexually transmitted diseases; and

(v) Substance use treatment; and

(e) Not consent to medical care on behalf of an individual 18 years or older, unless they have legal authority to do so.

NEW SECTION

WAC 110-149-0180 Medication administration and accessibility. Caregivers must:

- (1) Complete the following when children or youth are taking:
 - (a) Prescription medications:
 - (i) Notify their caseworker of the prescribed medications and any changes to medications, e.g., types or doses;
 - (ii) Give the medications in the amount and frequency prescribed by the licensed health care provider; and
 - (iii) Only:
 - (A) Start or stop giving the medications with approval from their licensed health care provider; and
 - (B) Use the medications for behavior control, including for sleep, when prescribed for that purpose; and
 - (b) Over-the-counter medications. Give over-the-counter medications to children or youth only as specified on the label; and
- (2) Provide accessibility to medications for children or youth to:
 - (a) Others who are approved to provide medications; and
 - (b) Youth who are approved to take their own medicine; and
- (3) Allow the following individuals to take their own medication:
 - (a) Youth participating in the extended foster care program; and
 - (b) Children or youth, if written approval is received by their:
 - (i) Licensed health care providers; and
 - (ii) Caseworkers.

NEW SECTION

WAC 110-149-0190 Storing medications, substances, toxic products, firearms, and other weapons. (1) Caregivers must keep children and youth safe by:

- (a) Locking firearms, ammunition, and other weapons in a manner that is inaccessible to children;
- (b) Verifying lifesaving medications are accessible to them including, but not limited to:
 - (i) Inhalers;
 - (ii) Epi-Pens; and
 - (iii) Naloxone;
- (c) Making the following items inaccessible to them when there is a concern about unsafe access based on their age, development, and specific needs:
 - (i) Prescription medications;
 - (ii) Over-the-counter medications including, but not limited to:
 - (A) Vitamins;
 - (B) Herbal remedies; and
 - (C) Pet medications;
 - (iii) Substances including, but not limited to:
 - (A) Alcohol;
 - (B) Marijuana;
 - (C) Nicotine; and
 - (D) Other drugs or paraphernalia; and
 - (iv) Toxic materials including, but not limited to:
 - (A) Cleaning products; and
 - (B) Mechanical fluids, including motor oil or antifreeze.
- (2) The department will provide locking mechanisms if needed.

NEW SECTION

WAC 110-149-0200 Supervising children and youth. Caregivers must supervise children or youth by:

- (1) Providing and arranging for supervision that is appropriate for the children's or youth's age and development; and
- (2) Following a written supervision plan if provided by the:
 - (a) Caseworker; or
 - (b) CPA.

NEW SECTION

WAC 110-149-0210 Participating in activities. Caregivers must follow prudent parenting standards requirements in RCW 74.13.710 when allowing children or youth to participate in normal childhood activities.

NEW SECTION

WAC 110-149-0220 Education requirements. Caregivers must:

- (1) Follow the educational plan approved by the children's or youth's caseworkers; and
- (2) Enroll school-aged children or youth in public or tribal schools unless there is a court order allowing:
 - (a) Home schooling;
 - (b) Private schooling; or
 - (c) Alternative learning experiences.

NEW SECTION

WAC 110-149-0230 Children's and youth's personal belongings. When handling and storing children's and youth's personal belongings, caregivers must:

- (1) Treat belongings with care and respect at all times;
- (2) Verify children or youth who leave their home take their personal belongings with them. This includes belongings they brought with them and those acquired while in care, e.g., clothing, mementos, bicycles, gifts, and money;
- (3) Secure the children's or youth's belongings for at least 30 calendar days after their departure; and
- (4) Coordinate with their caseworker to transfer their belongings to them as soon as possible if they are not able to take them when they leave.

NEW SECTION

WAC 110-149-0240 Privacy for children and youth. (1) Caregivers must provide children and youth the right to privacy including, but not limited to, personal mail, electronic mail, and phone calls unless the:

(a) Children's or youth's caseworkers ask caregivers to provide monitoring; or

(b) Court approves monitoring as part of the child's or youth's case plan.

(2) Caregivers:

(a) Are prohibited from using video and audio to monitor children or youth in care inside licensed kinship caregiver's homes, unless the criteria in (b) of this subsection or the following conditions are met:

(i) The LD senior administrator approves the use of electronic monitoring devices; or

(ii) The court approves the implementation of video or audio monitoring as part of the children's or youth's case plan;

(b) May use:

(i) Audio or visual monitoring of children or youth in care inside the licensed kinship caregiver's home for the following:

(A) Children, birth through four years of age;

(B) Medically fragile or sick children or youth;

(C) To document actions of children or youth directed in writing by their licensed health care provider using video recording equipment; and

(D) Door or window alarms or motion detectors; and

(ii) Recording for children's or youth's normal childhood events inside or outside of the licensed kinship caregiver's home including, but not limited to:

(A) Birthdays;

(B) Vacations;

(C) Extracurricular activities; and

(D) First day of school.

NEW SECTION

WAC 110-149-0250 Transportation. (1) Caregivers must have a plan to transport children or youth to appointments and activities based on children's or youth's age, development, and specific needs.

(2) If caregivers transport children or youth in a private vehicle, they must:

(a) Follow all state traffic laws; and

(b) Have proper safety equipment to provide safe transportation, including car seats or booster seats, based on each child's or youth's age, development, and specific needs.

NEW SECTION

WAC 110-149-0260 Emergency preparedness. Caregivers must work with their licensor to prepare the home for emergencies to include:

- (1) Having:
 - (a) A reliable way to contact emergency services when children or youth are present in the home;
 - (b) Working smoke detectors inside and outside of all sleeping areas, on each story, in all play areas, and in the basement of the home;
 - (c) Working carbon monoxide detectors on each level of the home;
 - (d) Access to a working fire extinguisher, recommended 2A10BC-rated five pound or larger in size; and
 - (e) An unblocked exit to the outside from each child's or youth's sleeping space that is large enough for emergency personnel wearing rescue gear to access, unless a supervision plan is approved by the licensing division's (LD) administrator;
- (2) Verifying children or youth can escape from every floor in the home; and
- (3) Creating and reviewing an evacuation plan with the children and youth in case of:
 - (a) Fires;
 - (b) Natural disasters; or
 - (c) Other emergencies.

MANAGING BEHAVIORS

NEW SECTION

WAC 110-149-0270 Discipline. When disciplining children or youth, caregivers:

- (1) Must:
 - (a) Use discipline that is appropriate to the children's or youth's age and level of development; and
 - (b) Not use physical or verbally abusive, neglectful, humiliating, degrading, or frightening punishment including, but not limited to:
 - (i) Hitting;
 - (ii) Spanking;
 - (iii) Restricting breathing;
 - (iv) Name calling;
 - (v) Threats or intimidation;
 - (vi) Trapping or locking in a space;
 - (vii) Forced physical exertion or exercise; and
 - (viii) Other methods that interfere with the children's or youth's:
 - (A) Basic needs, including withholding food and water;

(B) Cultural needs, including cutting an Indian child's or youth's hair or taking away a religiously or culturally significant item or event; and

(C) Familial connections, including removal of sentimental items or gifts from their parents or family time; and

(2) May request training on how to use positive methods of guidance for children and youth that promote self-control, self-responsibility, self-direction, self-esteem, and cooperation including, but not limited to:

(a) Directing them to another activity;

(b) Giving them choices when appropriate;

(c) Using time-in as a method of guidance, allowing them time to change their behavior;

(d) Planning to prevent problems; and

(e) Using positive reinforcement and encouraging them to express their feelings and ideas.

NEW SECTION

WAC 110-149-0280 Physical restraint. When considering or using physical restraint on children and youth, caregivers:

(1) Must:

(a) Not use physical restraint to redirect or deescalate the situation, unless the children's or youth's behaviors pose an immediate risk to the physical safety of themselves, another individual, or animals, or to prevent serious property damage. If restraint is necessary, it must be reasonable;

(b) Notify the children's or youth's caseworkers of any behavior that results in physical restraint as soon as possible, but within 24 hours of the restraint; and

(c) Develop a plan with the children's or youth's caseworkers if the use of physical restraint becomes ongoing; and

(2) May be required to complete training on how and when to use physical restraint that is based on the specific needs of the child or youth.

REPORTING REQUIREMENTS

NEW SECTION

WAC 110-149-0290 Reporting incidents. Caregivers must report the following incidents involving children and youth in their care within these required time frames:

(1) Immediately to the department intake when the incident is a:

(a) Death or near death;

(b) Suspected or disclosed abuse or neglect, as outlined in RCW 26.44.020; and

(c) Sexual contact between two or more children or youth, per RCW 9A.44.010, that is not:

- (i) Consensual; and
- (ii) Developmentally appropriate, including not between preschool or teenage peers; and

(2) As soon as possible, but within:

- (a) Twenty-four hours, to the children's or youth's caseworkers, any behavior that resulted in a physical restraint; and
- (b) Forty-eight hours, to the child's or youth's caseworker or department intake if the child's or youth's caseworker is not available, or it is after normal business hours, for any of the following incidents:
 - (i) Serious illness or injury, or need for psychiatric care;
 - (ii) Disclosed suicidal or homicidal thoughts, gestures, or attempts;
 - (iii) Any medication given or consumed incorrectly; or
 - (iv) Any treatment by a medical professional for emergency medical or emergency psychiatric care.

NEW SECTION

WAC 110-149-0300 Reporting children and youth missing from care.

Caregivers must complete the following when children or youth are missing from their care:

(1) Notify the following immediately, but not more than 24 hours, when children or youth run away while in their care:

- (a) Law enforcement;
- (b) Tribal law enforcement for Indian children or youth;
- (c) National center for missing and exploited children at 1-800-843-5678; and
- (d) Child's or youth's caseworker; or
- (e) Intake, if the child's or youth's caseworker cannot be contacted directly or it is after normal business hours;

(2) Provide the national center for missing and exploited children and law enforcement the following, when reasonably possible, no later than 24 hours of notification that the child or youth is missing from care:

- (a) A recent photo of the child or youth;
- (b) A description of the child's or youth's physical features, including:
 - (i) Height;
 - (ii) Weight;
 - (iii) Gender;
 - (iv) Ethnicity;
 - (v) Race;
 - (vi) Hair color; and
 - (vii) Eye color; and
- (c) Endangerment information, if applicable, including the child's or youth's:
 - (i) Pregnancy status;
 - (ii) Prescription medications;
 - (iii) Suicidal tendencies;

- (iv) Vulnerability to being sex trafficked; and
- (v) Other health or risk factors;
- (3) Not provide the national center for missing and exploited children consent to release children and youth information under subsection (2)(c) of this section; and
- (4) At any time after making an initial report the caregiver learns of a missing child's or youth's whereabouts or they return home, caregivers must report this to the:
 - (a) Caseworker; or
 - (b) Intake.

NEW SECTION

WAC 110-149-0310 Reporting changes in the home. (1) Caregivers must:

- (a) Notify their licensor before moving to a new location and request a continuation of their current license, per RCW 74.15.100; and
- (b) Report the following to their licensor immediately if there is:
 - (i) A change in their address or telephone number;
 - (ii) Structure damage to their home;
 - (iii) A plan to make changes to their home structure; or
 - (iv) A plan to relocate their home; and
 - (v) Any of the following changes to individuals in the home including:
 - (A) A change in the caregiver's spouse or partner;
 - (B) A separation from the caregiver's spouse or partner;
 - (C) An arrest of an individual who has access to children or youth;
 - (D) The death of a caregiver;
 - (E) An individual moving in or out of the home or property;
 - (F) Any serious physical or mental incapacity that may interfere with the care of children or youth; or
 - (G) Any changes in a medical condition, including changes in prescription drugs that impact their ability to care for children or youth.

(2) The department or CPA may require the licensed kinship caregivers to complete a new or updated assessment of the home based on the situations in subsection (1)(b) of this section. This assessment may or may not result in the issuance of a new license.

LICENSING PROCESS

NEW SECTION

WAC 110-149-0320 Issuing initial licenses. (1) The department may:

(a) Issue initial licenses:

(i) To caregivers prior to their completed home study to receive basic foster care maintenance payments to assist in the care of specific children or youth; and

(ii) For a maximum of 90 calendar days. If the kinship license is not approved by the 90th day, the caregiver's foster care maintenance payments will be discontinued and resume when the three-year kinship license is approved;

(b) Provide financial support to caregivers while they complete their home study; and

(c) Reissue initial licenses to include any additional kinship children or youth placed in the home after an initial license is issued.

(2) The department must inform caregivers they may receive an initial license to care for specific children or youth in the department's placement care and authority or when requested by a tribe or tribal CPA for children or youth in their jurisdiction when the following conditions are met:

(a) Children or youth are currently placed in a kinship caregiver's home;

(b) The caregiver agrees to receive an initial license; and

(c) All household members 16 and older have a conditionally approved background check, except for:

(i) Parents or guardians who are approved to reside in the home; or

(ii) A household member who cannot pass a conditional approval when there is a:

(A) Court order allowing them to remain in the home with the child or youth; and

(B) Supervision plan is in place.

NEW SECTION

WAC 110-149-0330 Kinship licensing process. (1) Caregivers applying to become licensed kinship caregivers must:

(a) Collaborate with their licenser to complete the licensing process, which includes, but is not limited to:

(i) Providing:

(A) The required licensing documents as outlined in the licensing provider portal; and

(B) Verification that the caregivers are at least 18 years old;

(ii) Completing the background checks requirements for all household members, per chapter 110-04 WAC; and

(iii) Participating in:

(A) A home study;

(B) An inspection of their home; and

(C) Additional assessments, in rare circumstances when related to the safety and specific needs of the children or youth in care including, but not limited to:

- (I) Mental health;
- (II) Substance abuse; or
- (III) Collaterals; and
- (b) Complete the kinship licensing process prior to the 90th day of the initial license being issued to avoid a break in foster care reimbursement payment.
- (2) Caregivers have the right to:
 - (a) Access caregiver support at any time during the licensing process; and
 - (b) Request a review of their concerns regarding the licensing process.
- (3) The department or CPA may withdraw a caregiver's application if they are not engaging in the licensing process.

NEW SECTION

- WAC 110-149-0340 Background check requirements.** (1) Caregivers, caregivers' household members, and individuals on the property having unsupervised access to children or youth must:
- (a) Meet the requirements outlined in chapter 110-04 WAC; and
 - (b) Pass a background check.
- (2) The department:
- (a) Must:
 - (i) Disqualify caregivers or those living in a caregiver's home if they:
 - (A) Do not meet the requirements outlined in this chapter; or
 - (B) Cannot have unsupervised access to children or youth because they did not pass their background check; and
 - (ii) Notify caregivers if an individual in their home is:
 - (A) Disqualified from having unsupervised access to children; and
 - (B) Cannot remain living in their home; and
 - (b) May allow a child's or youth's parents or guardians who have been approved to reside in the home to support the children's or youth's case plan.
- (3) Kinship children or youth placed in the licensed kinship caregiver's home do not need to complete background checks.

NEW SECTION

- WAC 110-149-0350 Issuing or reassessing kinship licenses.** (1) The licensors or CPA workers must complete a home inspection when they receive notification of licensed kinship caregivers moving within 30 calendar days of the:
- (a) Licensed kinship caregiver's first night in their new home when children or youth are placed; or
 - (b) Notification of the move when no children or youth are placed.
- (2) The department must:
- (a) Make reasonable efforts to assist caregivers in acquiring the necessary items and support to meet the licensing requirements; and
 - (b) Reassess when caregivers request to:

- (i) Add a kinship child or youth to their kinship license and that child or youth was not identified prior to licensure;
- (ii) Add or remove caregivers from their license; and
- (iii) Apply for a foster home license as outlined in chapter 110-148 WAC;
- (c) Not transfer the license to another individual; and
- (d) Make the final decision to license caregivers when they are certified by a CPA.
- (3) The department may:
 - (a) Issue kinship licenses:
 - (i) To relatives or suitable persons:
 - (A) As defined:
 - (I) In RCW 74.15.125 for child-specific licenses;
 - (II) By tribes; or
 - (III) By agencies requesting ICPCs; and
 - (B) Providing care to kinship children or youth in the placement care and authority of the department, tribe, or other jurisdiction; and
 - (ii) For a three-year period; and
 - (b) Renew kinship licenses:
 - (i) When caregivers and their household members meet background check requirements in chapter 110-04 WAC; and
 - (ii) For the name and address shown on the application when the licensing requirements contained in this chapter are met.
- (4) Caregivers with a kinship license:
 - (a) Must:
 - (i) Meet and maintain the licensing requirements in:
 - (A) RCW 74.15.030; and
 - (B) This chapter; and
 - (ii) Provide verification to the department that they are meeting the licensing requirements, if requested; and
 - (b) Do not have the right to:
 - (i) Have specific children or youth placed in their care; or
 - (ii) Be a party in any department court proceedings under chapter 13.34 RCW.

NEW SECTION

WAC 110-149-0360 Department and CPA employees applying for kinship licenses. (1) Employees or their relatives applying for kinship licenses who:

- (a) Work for:
 - (i) The department must follow department policy regarding licensure; and
 - (ii) A CPA, in the roles of administration, supervision, foster or kinship home certification, placement, payment authorization, or case management may not be certified by that CPA as a foster or kinship home; or
- (b) Have financial interests in a CPA may not be licensed or certified by that CPA.

(2) If caregivers obtain employment from the CPA that has already certified their home, and they serve in any role listed in subsection (1)(a)(ii) of this section, they must be recertified through another

CPA or become licensed directly by the department within six months of employment.

NEW SECTION

WAC 110-149-0370 Kinship caregivers having multiple licenses, certifications, or authorizations. (1) Applicants must submit a complete licensing application for each license they are requesting.

(2) The department:

(a) Must:

(i) Conduct an individualized assessment of each complete license application when applicants apply for more than one license, prior to approving or denying an application for any license, certification, or authorization requested by the applicant; and

(ii) Determine the capacity limits for each license based on the requirements in the chapter within Title 110 WAC that authorizes the license; and

(b) May approve:

(i) Licensed kinship caregiver's requests to have more than one department license, certification, or authorization, including child care and kinship licenses; and

(ii) Multiple kinship licenses for the same home or address when:

(A) There are multiple licensed kinship caregivers living in the same home or address; and

(B) Each licensed kinship caregiver is licensed to care for different children or youth.

(3) Providers who hold both a child care and a kinship license must:

(a) Comply with WAC 110-300-0300; and

(b) Develop and follow a written individual care plan for every child or youth in their care with developmental, health, or behavioral needs.

(4) Providers who:

(a) Hold a child care early learning program license;

(b) Offer overnight child care authorized under chapter 110-300 WAC; and

(c) Hold a kinship license authorized under this chapter, must comply with:

(i) WAC 110-300-0270; and

(ii) All other applicable rules under this chapter and chapter 110-300 WAC.

(5) If the department determines that licensed kinship caregivers are not in compliance with all applicable requirements and regulations for any license, certification, or authorization:

(a) The department and licensed kinship caregivers may mutually agree to amend one or more of the licenses, certifications, or authorizations;

(b) The licensed kinship caregivers may voluntarily agree to surrender or relinquish one or more of the licenses, certifications, or authorizations to the department; or

(c) The department may issue fines or suspend, deny, modify, or revoke one or more of the licenses, per RCW 43.216.325 and 74.15.130.

NEW SECTION

WAC 110-149-0380 Renewing kinship licenses. (1) Caregivers must:

- (a) Submit applications for kinship license renewals prior to the expiration date on the current license; and
- (b) Collaborate with their licensor to complete the license renewal process which includes, but is not limited to:
 - (i) Providing the required renewal documents;
 - (ii) Completing background checks for all household members, per chapter 110-04 WAC; and
 - (iii) Participating in:
 - (A) A reassessment; and
 - (B) An inspection of their home; and
 - (C) Additional assessments, in rare circumstances when related to the safety and specific needs of the children or youth in care, including, but not limited to:
 - (I) Mental health;
 - (II) Substance abuse; and
 - (III) Collaterals.
- (2) The department may:
 - (a) Send a renewal notice to licensed kinship caregivers 90 calendar days prior to the license expiration date; and
 - (b) Close a kinship license if an application is not received by the expiration date.

NEW SECTION

WAC 110-149-0390 Provisional expedited kinship licenses. (1) Caregivers requesting a provisional expedited kinship license:

- (a) Must submit a completed provisional expedited license application to the department or a CPA to initiate this type of license;
- (b) May request a provisional expedited kinship license if they meet the following requirements:
 - (i) They have been licensed to provide foster care or licensed kinship care within the previous five years;
 - (ii) The license was not closed due to a denial, revocation, or an agreement to relinquish;
 - (iii) They reside in the same home in which they previously held a foster care or kinship license;
 - (iv) There are no additional household members;
 - (v) The expedited kinship license will be supervised by the same CPA under whom they were previously licensed or certified if the CPA agrees to supervise the home; and
 - (vi) The caregiver and all household members have passed the required background checks, per chapter 110-04 WAC; and
- (c) Do not have the right to appeal a decision by the department if they do not meet the criteria for a provisional expedited kinship license.
- (2) The department may:
 - (a) Issue provisional expedited kinship licenses when kinship caregivers meet the specific qualifications of this section outlined in RCW 74.15.127 while they work towards a kinship license; and

(b) Continue to work with the caregivers to become fully licensed under this chapter if they do not meet the criteria for approval of a provisional expedited kinship license.

NEW SECTION

WAC 110-149-0400 Licensing requirement exemptions. When caregivers do not meet the licensing requirements:

(1) The department may approve an exemption to license and continue to license a caregiver if the department finds that they can provide for the safety, health, and well-being of children or youth in their care; and

(2) Caregivers do not have appeal rights if the department denies their request for an exemption to the licensing requirements.

NEW SECTION

WAC 110-149-0410 Denying, suspending, or revoking a license. The department:

(1) Will work or attempt to work with caregivers before moving to deny, suspend, or revoke kinship licenses;

(2) May deny, suspend, or revoke kinship licenses when:

(a) The department has determined that caregivers have abused, neglected, or abandoned a child or youth; or

(b) Caregivers:

(i) Do not meet the licensing requirements in this chapter;

(ii) Have others in the home that have not passed a background check; and

(iii) Commit, permit, or assist in an illegal act on the property of a home or facility providing care to children or youth;

(iv) Knowingly provide false information to the department that impacts the safety and well-being of children or youth in care;

(v) Cannot provide for the safety, health, and well-being of the children in their care; or

(vi) Cannot or will not support a child's or youth's cultural needs including needs based on their race, ethnicity, religion, or SO-GIE;

(3) Will send caregivers a certified letter notifying them the department has decided to deny, suspend, or revoke their license. The letter will also inform them what they need to do if they disagree with the department's decision;

(4) Has jurisdiction over all:

(a) Applicants for licenses;

(b) Licenses issued by the department; and

(c) Licensed kinship caregivers as outlined in RCW 74.15.030; and

(5) Retains jurisdiction over licensing applications and licenses when caregivers:

(a) Request to withdraw their application; or

(b) Surrender or fail to renew their license.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 110-148-1326 Can I get a license to care for a
specific child, and what are the
requirements?