



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: August 30, 2023

TIME: 10:43 AM

WSR 23-18-042

**Agency:** Department of Children, Youth, and Families (DCYF)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 21-15-012 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

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

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject)

WAC 110-15-0023 Homeless Grace Period (HGB)

WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 10, 2023		Telephonic	Make oral comments by calling 360-972-5385 and leaving a voicemail that includes the comment and an email address or physical mailing address where DCYF will send it's response. Comments received through an including October 10, 2023 will be considered.

**Date of intended adoption:** October 11, 2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: DCYF Rules Coordinator

Address:

Email: [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov)

Fax:

Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>

By (date) October 10, 2023

**Assistance for persons with disabilities:**

Contact DCYF Rules Coordinator

Phone: 360) 902-7956

Fax:

TTY:

Email: [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov)

Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>

By (date) October 3, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** DCYF is amending these rules to extend the Homeless Grace Period and to open the care up to more providers. This rule also removes the 12 month gap requirement between Homeless Grace Periods as funded in the Engrossed Substitute Senate Bill 5187.

**Reasons supporting proposal:** See Purpose.

**Statutory authority for adoption:** RCW 43.215 and RCW 43.216

**Statute being implemented:** RCW 43.215 and RCW 43.216

**Is rule necessary because of a:**

Federal Law?

Yes  No

Federal Court Decision?

Yes  No

State Court Decision?

Yes  No

If yes, CITATION:

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

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

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Jason Ramynke		(360) 688-0911
Implementation:	DCYF	Statewide	
Enforcement:	DCYF	Statewide	

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

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

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

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:
- No: Please explain:

A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
Citation and description:
- This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.
- Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

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

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

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

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

**Date:** August 30, 2023

**Name:** Brenda Villarreal

**Title:** DCYF Rules Coordinator

**Signature:**



**WAC 110-15-0023 Homeless grace period (HGP).** (1) A homeless grace period (HGP) is established as described in this section.

~~(2) ((DCYF may grant a consumer experiencing homelessness a twelve-month grace period to submit the documentation described in this subsection. The children of the consumer experiencing homelessness may receive WCCC services during the HGP. Within twelve months of the child being authorized in the WCCC program, the consumer must submit to DCYF:~~

~~(i) Documentation verifying participation in an approved activity as described in WAC 110-15-0040, 110-15-0045, or 110-15-0050;~~

~~(ii) Third-party verification of employment; and~~

~~(iii) Verification that any outstanding copayment owed by the consumer has been paid or written verification of a payment plan agreed to by the child care provider who is owed the outstanding copayment.~~

~~(3) A consumer is eligible for HGP if the consumer:~~

~~(a) Is experiencing, and DCYF verifies, homelessness at the time of the consumer's application for benefits;~~

~~(b) Has not been approved for HGP within the previous twelve months; and~~

~~(c) Except for the requirements described in subsection (1) of this section, meets all eligibility requirements described in this chapter.~~

~~(4)) A family experiencing homelessness at the time the consumer applies for child care subsidy is eligible for HGP under this section when:~~

~~(a) They meet all eligibility requirements described in WAC 110-15-0005, except for WAC 110-15-0005 (1)(d) and (f); and~~

~~(b) Their household income is under 85 percent of the state median income (SMI).~~

~~(3) Consumers approved by DCYF for HGP are eligible to receive:~~

~~(a) A ((twelve)) 12-month certification period;~~

~~(b) A copayment waiver; and~~

~~(c) An authorization for full-time care as described in WAC 110-15-0190.~~

~~((5) Authorizations for HGP eligible consumers may only be authorized for licensed care, certified care, or DCYF contracted provider care.~~

~~(6) Consumers authorized care under HGP must provide required verification when reapplying at the end of their certification as described in WAC 110-15-0109.~~

~~(7)) (4) Consumers approved under HGP are not subject to overpayment unless the consumer obtained benefits by failing to report accurate information that resulted in an error in determining the consumer's eligibility for HGP.~~

**WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services.**

(1) Families with children who have received child protective services as defined and used by chapters 26.44 and 74.13 RCW, child welfare services as defined and used by chapter 74.13 RCW, or services through a family assessment response, as defined and used by chapter 26.44 RCW in the six months previous to application or reapplication for working connections child care (WCCC) benefits are eligible for WCCC benefits for a (~~twelve~~) 12-month period if, in addition the:

- (a) Consumer is a Washington state resident;
- (b) Family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; and
- (c) Child or children are residing with a biological parent or guardian.

(2) Families eligible for WCCC under this section will:

- (a) Have no copayment;
- (b) Be authorized for full-time child care regardless of participation in an approved activity; and
- (c) Be eligible to have benefits paid only to a (~~licensed, certified, or contracted child care~~) provider that meets the requirements in WAC 110-15-0125.