



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, Children's Administration

- Preproposal Statement of Inquiry was filed as WSR: 15-22-048; 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).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

Title of rule and other identifying information: (Describe Subject)

The Department is proposing to amend Extended Foster Care WACs in chapter 388-25 WAC.

Hearing location(s):

Office Building 2
 DSHS Headquarters
 1115 Washington
 Olympia, WA 98504
 Public parking at 11th and Jefferson. A map is available at:
<https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>

Date: February 9, 2016 Time: 10:00 a.m.

Date of intended adoption: Not earlier than February 10, 2016

Submit written comments to:

Name: DSHS Rules Coordinator
 Address: PO Box 45850
 Olympia, WA 98504
 e-mail DSHSRPAURulesCoordinator@dshs.wa.gov
 fax (360) 664-6185
by: 5:00 p.m. February 9, 2016

Assistance for persons with disabilities: Contact Jeff Kildahl, DSHS Rules Consultant by TTY (360) 664-6178 or (360) 664-6092 or by email at Kildaja@dshs.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In March 2015, Fostering Connections legislation added a fourth eligibility criterion to the Extended Foster Care WACs allowing youth to be employed more than 80 hours or more per month. The following WACs are being amended to align with federal legislation: WAC 388-25-0502 "What is the purpose of the extended foster care program?", WAC 388-25-0504 "What is extended foster care?", WAC 388-25-0506 "Who is eligible for extended foster care?", WAC 388-25-0515 "How does a youth demonstrate participation in a program or activity designed to promote employment or remove barriers to employment?", WAC 388-25-0516 "What if an eligible youth does not want to participate in the extended foster care program?", WAC 388-25-0528 "How does a youth agree to participate in the extended foster care program?", WAC 388-25-0540 "How does CA determine a youth's continuing eligibility for the extended foster care program?", WAC 388-25-0546 "What must the youth do to remain in the extended foster care program?", and WAC 388-25-0548 "When is a youth no longer eligible for the extended foster care program?".

Statutory authority for adoption: RCW 13.34.145, RCW 13.34.267, RCW 74.13.020, RCW 74.13.031, RCW 43.88C.010, RCW 74.13.107, RCW 43.131.416, RCW 13.34.030.

Statute being implemented:
 Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)

Is rule necessary because of a:

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

If yes, CITATION:

Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)

DATE
December 30, 2015

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 05, 2016
TIME: 3:05 PM

WSR 16-02-105

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

None

Name of proponent: (person or organization) Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Mireya Beltre	DSHS Headquarters, 1115 Washington, Olympia, WA 98504	(360)902-7871
Implementation.... Mireya Beltre	DSHS Headquarters, 1115 Washington, Olympia, WA 98504	(360)902-7871
Enforcement..... Mireya Beltre	DSHS Headquarters, 1115 Washington, Olympia, WA 98504	(360)902-7871

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

e-mail

No. Explain why no statement was prepared.

Rules adopt by reference without material change federal regulations to ensure WACs are consistent with federal requirements.

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: ()

e-mail:

No: Please explain: Please explain: CBA is not required under RCW 34.05.328(5)(b)(iii). Rules are adopted by reference without material change to ensure the WACs are consistent with federal requirements. The rule content is dictated by statute.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0502 What is the purpose of the extended foster care program? The extended foster care program provides an opportunity for young adults in foster care at age eighteen to voluntarily agree to continue receiving foster care services, including placement services, while the youth completes a secondary or post-secondary academic or vocational program~~((+))~~; or participates in a program or activity designed to promote employment or remove barriers to employment; or is engaged in employment for eighty hours or more per month.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0504 What is extended foster care? Extended foster care is a program offered to young adults, age eighteen up to twenty-one, who turn eighteen while in foster care, to enable them to:

- (1) ~~((+))~~Complete a~~((+))~~ high school diploma or high school equivalency certificate;
- (2) Complete a post-secondary academic or vocational program;
- (3) Participate in a program or activity designed to promote employment or remove barriers to employment; or
- (4) Be employed for eighty hours or more per month.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0506 Who is eligible for extended foster care? To be eligible for the extended foster care program a youth, on his or her eighteenth birthday, must:

- (1) Be dependent under chapter 13.34 RCW, be placed in foster care (as defined in WAC 388-25-0508) by children's administration, and:
 - (a) Be enrolled (as described in WAC 388-25-0512) in a high school or high school equivalency program; or
 - (b) Be enrolled (as described in WAC 388-25-0512) in a post-secondary academic or vocational education program; or
 - (c) Have applied for and can demonstrate intent to timely enroll in a post-secondary academic or vocational education program (as described in WAC 388-25-0514); or
 - (d) Be participating in a program or activity designed to promote employment or remove barriers to employment; or
 - (e) Be engaged in employment for eighty hours or more per month.
- (2) Have had their dependency dismissed on their eighteenth birthday as the youth did not meet any of the criteria found in subsections (1)(a) through ~~((+d))~~ (e) of this section, or did not agree to participate in the program and the youth is requesting to participate in the extended foster care program prior to reaching the age of nineteen. Youth must meet one of the criteria in subsections (1)(a)

through ~~((d))~~ (e) when requesting to participate in the extended foster care program.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0515 How does a youth demonstrate participation in a program or activity designed to promote employment or remove barriers to employment? (1) Actively participate in a state, federal, tribal or community program that addresses any barriers to employment that the youth may have and/or prepares or trains individuals for employment; or

(2) Involved in a self-directed program that will remove any barriers to employment and will prepare a youth for employment~~((+))~~; or

(3) ~~((Working less than))~~ Employed for eighty hours ~~((a))~~ or more per month.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0516 What if an eligible youth does not want to participate in the extended foster care program? Participation in extended foster care is voluntary. A youth who does not agree to participate in extended foster may request the court to dismiss his or her dependency case.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0528 How does a youth agree to participate in the extended foster care program? (1) An eligible dependent youth can agree to participate by:

(a) Signing an extended foster care agreement; or

(b) For developmentally disabled youth, remaining in the foster care placement and continuing in an appropriate educational program.

(2) An eligible nondependent youth can agree to participate by:

(a) Signing a voluntary placement agreement (VPA) before reaching age nineteen; or

(b) Establishing a nonminor dependency before reaching age nineteen.

(3) In order to continue receiving extended foster care services after entering into a voluntary placement agreement with the department, the youth must agree to the entry of an order of dependency within one hundred eighty days of the date that the youth is placed in foster care pursuant to a voluntary placement agreement.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0540 How does CA determine a youth's continuing eligibility for the extended foster care program? At least every six months, children's administration will determine if youth continues to:

- (1) Agree to participate in the extended foster care program.
- (2) Be enrolled in an education program, vocational program, or participating in a program or activity designed to promote employment or remove barriers to employment, employed for eighty hours or more per month, or is transitioning from one status to another.
- (3) Continue to reside in an approved placement.
- (4) Comply with youth's responsibilities in WAC 388-25-0546.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0546 What must the youth do to remain in the extended foster care program? Unless otherwise authorized by court order the youth must:

- (1) Agree to participate in the program as expressed in the written extended foster care agreement;
- (2) Maintain the standard of eligibility as set by the youth's academic program or employment related program, or employment status;
- (3) Participate in the case plan, including monthly health and safety visits;
- (4) Acknowledge that children's administration (CA) has responsibility for the youth's care and placement by authorizing CA to have access to records related to court-ordered medical, mental health, drug/alcohol treatment services, educational records needed to determine continuing eligibility for the program, and for additional necessary services; and
- (5) Remain in the approved foster care placement and follow placement rules. This means the youth will:
 - (a) Stay in the placement identified by CA or approved by the court;
 - (b) Obtain approval from case worker and notify caregiver for extended absences from the placement of more than three days; and
 - (c) Comply with court orders and any specific rules developed in collaboration by the youth, caregiver and social worker.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

WAC 388-25-0548 When is a youth no longer eligible for the extended foster care program? A youth is no longer eligible for the extended foster care program and the department will ask the court to dismiss the dependency when the youth:

(1) Graduates from high school or equivalency program, and has not enrolled in, or applied for and demonstrated an intent to timely enroll in a post-secondary academic or vocational program;

(2) Graduates from a post-secondary education or vocational program;

(3) Reaches their twenty-first birthday;

(4) Is no longer participating or enrolled in high school or equivalency program, post-secondary or vocational program, or in a program promoting employment or removing barriers to employment;

(5) No longer employed for eighty hours or more per month;

(6) No longer agrees to participate in foster care services;

~~((6))~~ (7) Fails or refuses to comply with youth responsibilities outlined in WAC 388-25-0546; or

~~((7))~~ (8) Is incarcerated in an adult detention facility on a criminal conviction.