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: 16-06-112 ; 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)

Refer to Attachment A.

The department is proposing new WAC language to chapter 388-145 WAC, chapter 388-147 WAC, and chapter 388-148 WAC to provide further licensing instructions for child safety and well-being and additional clarification to the minimum licensing requirements. The Division of Licensed Resources (DLR) minimum licensing requirements were amended on January 11, 2015. Following the release of these amended WAC chapters, DSHS staff, private agency staff, group care staff, and foster parents requested additional changes to be made to the minimum licensing requirements.

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: **July 5, 2016** Time: **10:00 a.m.**

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. July 5, 2016

Date of intended adoption: Not earlier than July 6, 2016
(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact:
Jeff Kildahl, DSHS Rules Consultant by June 21, 2016
Phone: (360) 664-6092 or TTY: (360) 664-6178
Email: KildaJA@dshs.wa.gov

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

The department is proposing to amend chapters 388-145, 388-147, and 388-148 WAC. The intent of this revision to chapters 388-145, 388-147, and 388-148 WAC is to modify the minimum licensing requirements or provide additional clarification or housekeeping edits to the current language. It will also create new requirements for the safety and well-being of children. The anticipated effects will be that foster parents, DSHS staff, child placing agency staff and group care staff will better understand the WAC requirements.

Reasons supporting proposal:

The requested revisions for chapters 388-145, 388-147, and 388-148 WAC will provide foster parents, DSHS staff, private agency and group care staff additional clarification on the minimum licensing requirements.

Statutory authority for adoption:
RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031

Statute being implemented:

Is rule necessary because of a:

Federal Law?	☒ Yes	☐ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION: WAC 388-145-1540, WAC 388-147-1545, and WAC 388-148-1425 must be changed per Public Law 113-183 The Preventing Sex Trafficking and Strengthening Families Act

DATE
April 19, 2016

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: April 25, 2016
TIME: 9:44 AM

WSR 16-10-020

(COMPLETE REVERSE SIDE)

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

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: Kristina Wright	Olympia, WA OB2	(360) 902-8349
Implementation: Kristina Wright	Olympia, WA OB2	(360) 902-8349
Enforcement: Kristina Wright	Olympia, WA OB2	(360) 902-8349

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: Kristina Wright
Address: 1115 Washington Street, Olympia, WA 98504-5710

Phone: (360) 902-8349
Fax: (360) 902-7903
e-mail: wrighks@dshs.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name: Kristina Wright
Address: 1115 Washington Street, Olympia, WA 98504-5710

Phone: (360) 902-8349
fax: (360) 902-7903
e-mail: wrighks@dshs.wa.gov

☐ No: Please explain:

MEMORANDUM

DATE: **March 11, 2016**

TO: Katherine Vasquez, DSHS Rules Coordinator
DSHS Rules and Policies Assistance Unit
Administrative Services Division, MS:45850

FROM: Kristina Wright, Division of Licensed Resources Program Manager
Division of Licensed Resources, Children's Administration
wrighks@dshs.wa.gov, (360) 902-8349

SUBJECT: Small Business Economic Impact Statement and Cost Benefit Analysis for Proposed Amendments to Chapters 388-145, 388-147, and 388-148 WAC

SUMMARY OF PROPOSED RULES

The Department of Social and Health Services' Children's Administration is proposing amendments to chapters 388-145, 388-147, and 388-148 WAC, Licensing Requirement for Group Care Facilities, Child Placing Agencies and Adoption Services, and Child Foster Homes.

DLR licensing requirements were amended on January 11, 2015. Since the release foster parents, DSHS agency staff, group care facilities, and child placing agencies have requested additional changes. The intent of the proposed WAC revisions are to provide foster parents, department staff, and group care facilities, and child placing agencies additional clarification on the licensing process and requirements.

The proposed amendments to this chapter include, but are not limited to:

- The definition of "child", "children", or "youth" will be revised to no longer include up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program.
- An exception to the group care and child placing agency staff qualifications is being implemented.
- New requirement for reporting incidents involving children.
- Additional clarification regarding bedroom sharing requirements.

- The National Center for Missing and Exploited Children contact number has been added for foster parents and agencies to call when there is a child missing from care. This change is due to the new federal legislation requirement; Public Law 113-183 The Preventing Sex Trafficking and Strengthening Families Act that goes into effect on September 29, 2016.
- New requirements for infant safe sleep procedures.
- Home schooling is being prohibited in licensed foster homes.
- Additional clarification on weapon storage in foster homes.
- Other language or housekeeping edits have been made.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT—DETERMINATION OF NEED

Chapter 19.85 RCW, The Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. The statute defines small businesses as those business entities that employ fifty or fewer people and are independently owned and operated.

These proposed rules impact Child Placing Agencies and adoption services and group care facilities. These businesses fall under the Child Group Foster Homes designation by the North American Industry Classification System (NAICS) codes (#623990).

Preparation of an SBEIS is required when a proposed rule has the potential of placing a disproportionate economic impact on small businesses. The statute outlines information that must be included in a Small Business Economic Impact Statement (SBEIS).

The Children's Administration has analyzed the proposed rule amendments and has determined that small businesses will not be disproportionately impacted by these changes. There are no additional costs to child placing agencies or group care facilities with the implementation of the WAC revisions noted above.

INDUSTRY ANALYSIS

The Division of Licensed Resources (DLR), Children's Administration (CA), is responsible for the development and regulatory oversight of all licensing requirements for Child Placing Agencies and Group Residential Facilities per RCW 74.15. As part of their monitoring, DLR keeps a current internal database that identifies all affected small businesses.

Most of the child placing agencies and facilities with whom CA contracts are considered to be small businesses employing fewer than 50 staff. These proposed rules impact the licensing of child placing agencies and adoption services and group care facilities.

INVOLVEMENT OF SMALL BUSINESSES

DLR involved child placing agencies licensing staff, tribes, and group residential care stakeholders. An email survey was sent out to the 231 child placing agencies or group care facilities licensed by the DLR statewide. These small businesses were asked whether or not the implementation of the proposed WAC revision would cause additional

costs to either the child placing agency or group care facility. All of the agencies that responded indicated that there would not be additional costs.

COST OF COMPLIANCE

Under RCW 19.85.020, Children's Administration has considered annual costs to small businesses that are fifty dollars or more per child served annually.

GENERAL COSTS

DLR's analysis revealed that there are no costs imposed by the proposed amendments. An email survey was sent out to the 231 child placing agencies or group care facilities that DLR licenses statewide. Out of 231 emails sent, 23 responses were received and 100% reported that the implementation of the proposed WAC revision would not cause any additional cost to the group care facilities.

Benefits for Proposed Rules

The proposed WAC revisions for chapters 388-145, 388-147, and 388-148 WAC will provide foster parents, DSHS staff, child placing agency staff, and group care staff further clarification on the licensing process and the minimum licensing requirements. It will also create some new additional requirements for the safety and well-being of children.

JOBS CREATED OR LOST

We do not anticipate that jobs will be lost or created as a result of these rules.

CONCLUSION

The Division of Licensed Resources, Children's Administration has given careful consideration to the impact of proposed rules in chapters 388-145, 388-147, and 388-148 WAC would have on small businesses. To comply with the Regulatory Fairness Act, Chapter 19.85 RCW, DLR has analyzed impacts on small businesses and there is no cost to child placing agencies or group care facilities with the proposed WAC amendments.

Please contact Kristina Wright if you have questions.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1305 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 understand these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"Business hours" means hours during the day in which state business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard hours of operation.

"CA" means children's administration.

"Capacity" means the age range, gender 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/or cleared to have unsupervised access to children under the authority of a license.

"Case manager" means a facility employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Chapter" means chapter 388-145 WAC.

"Child", "children" or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years old;

((~~(2) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program;~~))

((~~(3)~~)) (2) Up to twenty-one years of age and participating in the extended foster care program;

((~~(4)~~)) (3) Up to twenty-one years of age with intellectual and developmental disabilities;

((~~(5)~~)) (4) Up to twenty-one years of age and under the custody of the Washington state juvenile justice rehabilitation administration.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"Crisis residential center (secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services in a secure facility to prevent youth from leaving the facility without permission per RCW 13.32A.030(15).

"Crisis residential center (semi-secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services for runaway youth and youth in conflict with their family and/or in need of emergency placement.

"Day treatment" is a specialized service that provides educational and therapeutic group experiences for emotionally disturbed children.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration. DDA provides services and case management to children and adults who meet the eligibility criteria.

"Deescalation" means strategies used to defuse a volatile situation, to assist a child to regain behavior control, and to avoid a physical restraint or other behavioral intervention.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"Direct care staff" means persons who provide daily supervision and direct care to group care children and youth.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies and licensed group care facilities.

"DOH" means the department of health.

"Electronic monitoring" means video or audio monitoring or recording used to watch or listen to children as a way to monitor their behavior.

"Emergency respite center" means a licensed facility that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children birth through seventeen years for up to seventy-two hours to prevent child abuse and/or neglect per RCW 74.15.020(d). ERCs may choose to be open up to twenty-hour hours a day, seven days a week. Facilities may also provide family assessment, family support services and referral to community services.

"FBI" means the Federal Bureau of Investigation.

"Group care" is a general term for a licensed facility that is maintained and operated for a group of children on a twenty-four hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care per RCW 74.15.020(f).

"Group home" is a specific license for residential care that provides care and supervision for children or youth.

"Group receiving center" means a licensed facility that provides the basic needs of food, shelter, and supervision for children placed by the department, generally for thirty or fewer days.

"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 and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"Interim facility" means an overnight youth shelter, emergency respite center or a resource and assessment center.

"License" means a permit issued by us that your facility meets the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Local fire authority" means your local fire inspection authority having jurisdiction in the area where your facility is located.

"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 who requires the availability of twenty-four hour skilled care from a health care professional or specially trained staff or volunteers in a group care setting. These conditions may be present all the time or frequently occurring. If the technology, support and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or assigned DSHS worker. This does not include children in dependency guardianship.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at risk youth or children in need of services, and their parents.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Overnight youth shelter" means a licensed nonprofit agency that provides overnight shelter to homeless or runaway youth in need of emergency sleeping arrangements.

"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.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include antipsychotic, antidepressant and antianxiety medications.

"Relative" means a person who is related to a child per RCW 74.15.020.

"Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, (excluding Saturdays, Sundays, and holidays) to children who have been removed from their parent's or guardian's care by child protective services or law enforcement.

"Staffed residential home" means a licensed facility that provides twenty-four hour care to six or fewer children who require more supervision than can be provided in a foster home.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.

"Volunteer" means a person who provides direct care services without compensation, for your facility.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

AMENDATORY SECTION (Amending WSR 16-01-121, filed 12/18/15, effective 1/18/16)

WAC 388-145-1335 What additional steps must I complete prior to licensing? (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

(a) Your mission and goals;

(b) A description of the services you will provide to children and their families;

(c) Your written policies covering qualifications, duties and ongoing training for developing and upgrading staff skills; and

(d) A description of your agency's policies and procedures.

(e) For staffed residential facilities in family homes, you must provide a written plan to the child's DSHS worker for the supervision of children in your care if you work outside of your staffed residential home.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your premises have:

(a) Adequate storage for staff and client files;

(b) A landline working telephone;

(c) Adequate space for privacy when interviewing parents and children;

(d) Room or area used for administrative purposes;

(e) Adequate space for visitation;

(f) Appropriate furnishings for the children in your facility; and

(g) Your license clearly posted (if inspection is for a renewal license).

(3) All facilities described in this chapter, (except for staffed residential homes for five or fewer children), are required to meet the health requirements to receive a certificate of compliance from the Washington state department of health (DOH) and the fire safety requirements from the Washington state patrol fire protection bureau (WSP/FPB).

(4) You, your employees and volunteers are required to submit a negative tuberculosis (TB) test or an X ray, unless you provide documentation of a negative TB test in the previous twelve months. If there is a positive TB test, then the individual must submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(a) We may grant an exception to the TB test requirement, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

(5) If you are being licensed to care for children under the age of two, you, your employees and volunteers working in the facility caring for children under the age of two are required to provide documentation verifying you have current pertussis and influenza vaccinations. The department may license you to serve children under the age of two even though you, your employees or volunteers are unable to obtain an influenza vaccination for medical reasons. In this case, a licensed health care provider's statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences. All other employees or volunteers must still be vaccinated. We recommend (but do not require) these immunizations for you, your employees and volunteers when you serve children age two and older.

(6) You must have proof of current immunizations for any children living on the premises, not in out-of-home care. We may, in consultation with a licensed health care provider, grant exceptions to this requirement if you have a statement from a licensed health care provider (MD, DO, ND, PA or ARNP).

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1390 Will you license or continue to license me if I violate licensing regulations? (1) We may modify, deny, suspend or revoke your license when you, your employees or volunteers:

(a) Do not meet the licensing regulations in this chapter; ((~~or~~))

(b) Have not met the background check requirements; ((~~or~~))

(c) Have been determined by us to have abused or neglected a child; ((~~or~~))

(d) Have committed, permitted, or assisted in an illegal act on the premises of a facility providing care to children;

(e) Are unable to manage your property and financial responsibilities; ((~~or~~))

((~~(e)~~)) (f) Tried to get a license by deceitful means, such as making false statements or omitting critical information on the application; ((~~or~~))

((~~(f)~~)) (g) Knowingly allowed employees or volunteers who made false statements or omitted critical information on their applications to work at your agency; or

((~~(g)~~)) (h) Cannot provide for the safety, health and well-being of the child(ren) in your care.

(2) We may suspend or revoke your license if you have children in your facility for whom you are not licensed, without approval by your DLR licensor. This includes having more children, or children of different ages or gender than the license allows.

(3) We will send you a certified letter informing you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.

(4) The department has jurisdiction over all licenses issued by DLR and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). Such jurisdiction is retained even if an applicant

requests to withdraw the application, or you surrender or fail to renew your license.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1440 What are the requirements of case management staff? (1) Case management staff will provide individualized case management and coordination of services. For emergency respite centers and resource and assessment centers, the on-site program manager may provide individualized case management and coordination of services so additional case managers are not required. The on-site program manager must meet qualifications in WAC 388-145-1430.

(2) Case management staff hired before January 10, 2015 must have five years of experience or a bachelor's degree in social services or closely related field from an accredited school.

((~~(2)~~)) (3) Case management staff hired after January 10, 2015 must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

((~~(3)~~)) (4) Case management staff who has only a bachelor's degree must consult with a person with a master's degree in social services or closely related field. One hour of consultation must occur every twenty hours the employee works.

((~~(4)~~)) (5) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area s/he will be supervising;

(b) Skills and understanding needed to effectively manage cases; and

(c) The ability to monitor staff development and training.

((~~(5)~~)) (6) You may use case management staff provided by another agency if these staff meet the educational qualifications and you have a written agreement with the agency describing the scope of services to be provided.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1445 What are the qualifications of direct care staff? (1) Each direct care staff must:

(a) Be at least twenty-one years of age, unless they meet the requirements in subsection (2) of this section;

(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. Two years of social services education may be substituted for the required experience;

(d) Have the skills and ability to work successfully with the special needs of children in care; and

(e) Have effective communication and problem solving skills.

(2) Direct care staff may be between eighteen and twenty-one years of age if they provide sufficient documentation demonstrating one or more of the following:

(a) They are professionals licensed by the Washington department of health;

(b) They have an associate of arts, the equivalent degree, or greater; or

(c) They are enrolled in an internship or practicum program with an accredited college or university((~~ and can provide sufficient documentation~~)).

(3) Direct care staff under twenty-one years of age and enrolled in an internship or practicum program must be supervised by staff at least twenty-one years of age.

(4) You must maintain sufficient direct care staff who meet the education and training requirements defined in this chapter.

(5) Case aides must meet the requirements for direct care staff.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1455 If I have health care staff, what qualifications are required? (1) If your program requires health care staff, they must:

(a) Meet the full professional competency requirements in their respective field; and

(b) Maintain their certification or licensure as required.

(2) Applicants with current and active medical licenses or certificates (nurses, physicians and EMS personnel) may submit their licenses or certificates to satisfy the first aid and CPR requirement.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1535 What incidents involving children must I report? (1) You must report the following incidents immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker:

(a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;

(b) Any time you suspect physical or sexual abuse, neglect, or exploitation of a child as required under chapter 26.44 RCW;

(c) Sexual contact between two or more children that is not considered typical play between preschool age children;

(d) Any disclosure by a child in care of sexual or physical abuse;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(f) Any use of physical restraint that is alleged to have been improperly applied or excessive;

(g) Physical assault between two or more children that result in injury requiring off-site medical attention or hospitalization;

(h) Physical assault of an employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

(j) Property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(2) You must report the following incidents related to a child ((~~with an assigned DSHS worker~~)) in care as soon as possible or in no instance later than forty-eight hours, to the child's DSHS worker ((~~(if any)~~)):

(a) Suicidal/homicidal thoughts, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the usual range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered or consumed;

(d) Any professional treatment for emergency medical or emergency psychiatric care;

((~~(d)~~)) (e) Physical assault between two or more children that results in injury but did not require professional medical treatment;

((~~(e)~~)) (f) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

((~~(f)~~)) (g) Drug and/or alcohol use by a child in your care;

((~~(g)~~)) (h) Any inappropriate sexual behavior by or toward a child; or

((~~(h)~~)) (i) Use of prohibited physical restraints for behavior management.

(3) You must maintain a written record of these notifications with the date, time and staff person making the report.

(4) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in subsection (2)(b) and (c) in this section in the facility daily logs, rather than contacting the DSHS worker or case manager, if agreed to in the child's case plan.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1540 What are my reporting responsibilities when a child is missing from care (except for overnight youth shelters)? (1) As soon as you or your staff have reason to believe a child in your care is missing as defined in WAC 388-145-1305 or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

(a) The child's assigned DSHS worker, as appropriate;

(b) CA intake, if the DSHS worker is not available or it is after normal business hours.

(2) You are required to contact local law enforcement within six hours if the child is missing. However, if one or more of the following factors present, you must contact law enforcement immediately:

(a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;

(b) The child is believed to have been lured from placement or has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily will place the child at severe risk;

(e) The child is pregnant or parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal thoughts) that if not treated will place the child at severe risk;

(g) The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

(3) After contacting local law enforcement, you must also contact the ((~~Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from care. The telephone number for the clearinghouse is 1-800-543-5678~~)) national center for missing and exploited children at 1 (800) 843-5678 and report the child missing from care.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's DSHS worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2)(a) through (i) of this section are present, you and the child's DSHS worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;

(b) Last known location of the child;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have caused the child's departure;

(e) Possible places where the child may go;

(f) Special physical or mental health conditions or medications that affect the child's safety;

(g) Known companions who may be aware or involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the CA DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts, you must report that information to the child's DSHS worker.

(8) If a child is returned to your care, it is your responsibility to cancel the run report and notify all persons you have informed of the child's run.

(9) Youth participating in the extended foster care (EFC) program are exempt from these requirements. You must follow all other reporting requirements as defined in WAC 388-145-1535.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1585 What are the requirements for water, garbage, and sewer? (1) You must maintain adequate sewage and garbage facilities.

(2) Your facility must be connected to a public sewer system or have an on-site sewage system permitted by the local health department or the Washington state department of health.

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

(4) Running water ((~~must~~)) may not exceed one hundred twenty degrees Fahrenheit.

(5) You must provide paper cups, individual drinking cups or glasses, or drinking fountains.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1605 What are the requirements for sharing bedrooms? (1) Shared bedrooms must provide enough floor space for the safety and comfort of children.

(2) When a teen parent and his/her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space. You must allow only one parent and infant(s) to occupy a bedroom.

(3) No more than four children shall sleep in the same room, with the exception of interim facilities ((~~as outlined in the additional program-specific requirements in this WAC~~)). This includes foster children and any other children.

(4) ((~~You must not allow a child over one year of age to share a bedroom with an adult who is not the child's parent~~)) Children over age one may share a bedroom with an adult who is not the child's parent only if necessary for close supervision due to the child's medical or developmental condition and the child's licensed health care provider recommends it in writing.

(5) An individual that is in the extended foster care program may share a bedroom with a child of the same gender. If the child is unrelated to the individual in the extended foster care program, the child must be at least ten years of age.

((~~(5)~~)) (6) Foster children ((~~must~~)) may not share the same bedroom with a child of another gender unless all children are under age six.

((~~(6) A youth placed in the extended foster care program may not share a bedroom with a child under ten years of age who is not a sibling, without approval from the child's DSHS worker.~~))

(7) An exception may be granted to subsection (3) though (6) in this section with an administrative approval if it is supported by the licensor (and the child(ren)'s DSHS worker, as appropriate) and is in the best interest of the child.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1610 What are the requirements for beds in a facility? (1) You must provide an appropriately sized separate bed for each child, with clean bedding and a mattress in good condition.

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

(3) A mat may be used for napping but not as a substitute for a bed.

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

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

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

~~(c) You must not use crib bumpers, stuffed toys and pillows when sleeping infants unless advised differently by the child's physician~~)).

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

(6) You may not have loose blankets, pillows, crib bumpers, or stuffed toys with a sleeping infant.

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

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

(9) You may not use weighted blankets for children under three years of age or that have mobility limitations unless advised differently by the child's licensed health care provider.

(10) If you use a weighted blanket, you must meet the following requirements:

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

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

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

(11) You ((~~must~~))may not allow children to use loft style beds or upper bunks of beds if using them could hurt them because of children's age, development or condition. Examples: Preschool children, expectant mothers, and children with a disability.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-145-1625 What are the requirements for the use of electronic monitors to monitor children? (1) CA prohibits the use of video and audio monitoring of children in the interior of a group residential facility unless all of the following are met:

(a) The DLR administrator grants approval for the use of an electronic monitoring device in your facility following a request by the child's DSHS worker;

(b) The court approves implementation of the monitoring as part of the child's case plan; and

(c) You maintain a copy of the approval.

(2) The prohibition of audio or visual monitoring does not include monitoring of the following:

(a) Infants ((~~and toddlers~~)) or children through four years of age;

(b) Medically fragile or sick children;

(c) Video recording equipment to document actions of a child as directed in writing by the child's physician;

(d) Video recording for special events such as birthday parties or vacations; or

(e) The use of door or window alarms or motion detectors.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1305 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 as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social and/or emotional condition.

"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.

"CA" means children's administration.

"Care provider" means any person who is licensed or authorized to provide care for children and/or 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 working on behalf of a child.

"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 CA.

"Chapter" means chapter 388-147 WAC.

"Child," "children" or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years old;

((~~(2) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program;~~))

((~~(3)~~)) (2) Up to twenty-one years of age and participating in the extended foster care program;

((~~(4)~~)) (3) Up to twenty-one years of age with intellectual and developmental disabilities;

((~~(5)~~)) (4) Up to twenty-one years of age and under the custody of the Washington state juvenile justice rehabilitation administration.

"Child placing agency" or "(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.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies, and licensed group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four hour care in their home to children.

"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 and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that your agency meets the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child placing agency who certifies or monitors foster homes supervised by the child placing agency.

"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 who requires the availability of twenty-four hour skilled care from a health care professional or specially trained family or foster 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 are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age under the care and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or CA. This does not include children in dependency guardianship.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"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.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief 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.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Volunteer" means a person who provides services without compensation, for your agency.

"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1335 What additional steps must I complete prior to licensing? (1) You must submit to your licensor a detailed written program description for DLR approval. In the description you must outline:

(a) Your mission and goals;

(b) A description of the services you will provide to children and their families;

(c) Your written policies covering qualifications, duties and ongoing training for developing and upgrading staff skills; and

(d) A description of your agency's policies and procedures.

(2) You must have a site inspection by your DLR licensor or someone designated by DLR who can verify that your Washington state premises have:

(a) Adequate storage for staff and client files;

(b) A working telephone;

(c) Adequate space for privacy when interviewing parents and children;

(d) Room or area used for administrative purposes;

(e) Adequate space for visitation, if needed; and

(f) Your license clearly posted (if inspection is for a renewal license).

(3) You and your staff are required to submit a negative tuberculosis (TB) test or an X ray, unless you have had a negative TB test in the previous twelve months. If there is a positive TB test, then the individual must submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(a) We may grant an exception to the TB test, in consultation with a licensed health care provider.

(b) This exception would require a statement from a licensed health care provider (MD, DO, ND, PA or ARNP) indicating that a valid medical reason exists for not having a TB test.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1410 Will you license or continue to license me if I violate licensing regulations? (1) We may modify, deny, suspend or revoke your license when you, your employees or volunteers:

(a) Do not meet the licensing regulations in this chapter; ((~~or~~))

(b) Have not been cleared for unsupervised access to children; ((~~or~~))

(c) Have been determined by us to have abused or neglected a child; ((~~or~~))

(d) Have committed, permitted, or assisted in an illegal act on the premises of a facility providing care to children;

(e) Tried to get a license by deceitful means, such as making false statements or omitting critical information on the application;

(f) Knowingly allowed employees or volunteers who made false statements or omitted critical information on their applications to work at your agency;

(g) Are unable to manage your property and financial responsibilities; ((~~or~~))

((~~(e)~~)) (h) Cannot provide for the safety, health and well-being of the child(ren) in your care; or

((~~(f)~~)) (i) Do not meet the health and safety requirements of the department of health and/or the Washington state patrol fire protection bureau (WSPFP), if required.

(2) We may suspend or revoke your license if you have children in your certified homes for whom you are not licensed, without approval of your DLR licensor. This includes having more children, or children of different ages or gender than the license allows.

(3) We will send you a certified letter telling you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.

(4) The department has jurisdiction over all licenses issued by DLR and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). Such jurisdiction is retained even if an applicant requests to withdraw the application, or you surrender or fail to renew your license.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1455 What are the requirements of case management staff? (1) Case management staff will provide individualized case management and coordination of services.

(2) Case management staff hired before January 10, 2015 must have five years of experience or a bachelor's degree in social services or closely related field from an accredited school.

((~~(2)~~)) (3) Case management staff hired after January 10, 2015 must have a master's or bachelor's degree in social services or a closely related field from an accredited school.

((~~(3)~~)) (4) Case management staff with a bachelor's degree must consult with a person with a master's degree in social services or closely related field for one hour for every twenty hours the case management employee works.

((~~(4)~~)) (5) Case managers must maintain:

(a) Training, experience, knowledge, and demonstrated skills in each area he or she will be supervising;

(b) Skills and understanding needed to effectively manage cases; and

(c) The ability to monitor staff development and training.

((~~(5)~~)) (6) You may use case management staff provided by another agency if these staff meet the educational qualifications and you have a written agreement with the agency describing the scope of services to be provided.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1465 If I have health care staff, what are their qualifications? (1) If your program requires health care staff, they must:

(a) Meet the full professional competency requirements in their respective field; and

(b) Maintain their certification or licensure as required by the department of health.

(2) Applicants with current and active medical licenses or certificates (nurses, physicians and EMS personnel) may submit their licenses or certificates to satisfy the first aid and CPR requirement.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1540 What incidents involving children must I report? (1) You must report the following incidents immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker:

(a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;

(b) Any time you suspect physical or sexual abuse, neglect, or exploitation of a child as required under chapter 26.44 RCW;

(c) Sexual contact between two or more children that is not considered typical play between preschool children;

(d) Any disclosure by a child in care of sexual or physical abuse;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(f) Any use of physical restraint that is alleged to have been improperly applied or excessive;

(g) Physical assault between two or more children that result in injury requiring off-site medical attention or hospitalization;

(h) Physical assault of a foster parent, employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

(j) Property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(2) You must report the following incidents related to a child in care as soon as possible or in no instance later than forty-eight hours, to the child's DSHS worker:

(a) Suicidal/homicidal thoughts, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the usual range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered or consumed;

(d) Any professional treatment for emergency medical or emergency psychiatric care;

(e) Physical assault between two or more children that results in injury but did not require professional medical treatment;

((~~(e)~~))(f) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

((~~(f)~~))(g) Drug and/or alcohol use by a child in your care;

((~~(g)~~))(h) Any inappropriate sexual behavior by or toward a foster child; or

((~~(h)~~))(i) Use of prohibited physical restraints for behavior management.

(3) Programs providing care to medically fragile children who have nursing care staff on duty may document the incidents described in WAC 388-147-1540 (2)(b) and (c) in the facility daily logs, rather than contacting the child's DSHS worker or case manager, if agreed to in the child's case plan.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1545 What are my reporting responsibilities when a child is missing from care? (1) As soon as you or your staff have reason to believe a child in your care is missing as defined in WAC 388-147-1305 or has refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

(a) The child's assigned DSHS worker, as appropriate;

(b) Children's administration intake, if the DSHS worker is not available or it is after normal business hours.

(2) You are required to contact local law enforcement within six hours if the child is missing. However, if one or more of the following factors are present, you must contact law enforcement immediately:

(a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;

(b) The child is believed to have been lured from placement or has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily, will place the child at severe risk;

(e) The child is pregnant or parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal thoughts) that if not treated, will place the child at severe risk;

(g) The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

(3) After contacting local law enforcement, you must also contact the ((~~Washington state patrol's (WSP) missing children clearinghouse~~

~~to report that the child is missing from care. The telephone number for the clearinghouse is 1-800-543-5678~~)) national center for missing and exploited children at 1 (800) 843-5678 and report the child missing from care.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's DSHS worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2)(a) through (i) of this section are present, you and the child's DSHS worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return on their own.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;

(b) The last known location of the child;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have caused the child's departure;

(e) Possible places where the child may go;

(f) Special physical or mental health conditions or medications that affect the child's safety;

(g) Known companions who may be aware or involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the child's DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts, you must report that information to the child's DSHS worker.

(8) If a child is returned to your care, it is your responsibility to cancel the run report and notify all persons you have informed of the child's run.

(9) Youth participating in the extended foster care (EFC) program are exempt from these requirements. You must follow all other reporting requirements as defined in WAC 388-147-1540.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1635 Am I required to assess a child's need for immediate medical attention? (1) ((~~After a child is admitted to your program you must ensure that a child receives an initial health screen~~)) When a child first enters out-of-home care, an initial health screen is required as soon as possible but no later than five days after entering your program. You must also make reasonable attempts to obtain the following health history:

(a) Allergies;

(b) All currently prescribed medications; and

(c) Any special physical or mental health issues.

(2) If the child remains in placement beyond seventy-two hours, you must contact the child's DSHS worker, parent, or legal guardian to obtain the following information:

(a) The date of the child's last physical/dental exam;

(b) A history of immunizations; and

(c) Clinical and medical diagnoses and treatment plans.

(3) When a child leaves your care, the health history of the child must be retained by your agency or returned to the department.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-147-1695 What must I include in an adoption home study? (1) Your staff must complete an adoptive home study (preplacement report) with the participation of the applicant(s). Contact with the applicant must include a minimum of three in-person contacts that include:

(a) An individual interview with each applicant parent and with each member of the applicant's household, including children;

(b) A joint interview with the couple, if the family is a two parent household; and

(c) An on-site evaluation of the applicant's home and property.

(2) For the study, your staff must gather information about and assess the following:

(a) The suitability and fitness of the applicant(s) to be adoptive parent(s), including completed background checks of the applicant(s); and

(b) Identification of child characteristics for which the applicant or applicants are best suited.

(3) As required in RCW 26.33.190(2), you must document that your agency discussed with the applicant(s) the following:

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) Relevance of the child's relationship with siblings and the potential benefit to the child for providing for continuing relationship and contact between the child and known siblings;

(c) Disclosure of the fact of the adoption to the child;

(d) The child's possible questions about birth parents and relatives;

(e) Potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents; and

(f) The relevance of a child's racial, ethnic and cultural heritage.

(4) The home study must identify the sources for the information gathered, and include the elements in subsection (1) through (3) in this section as well as the following:

(a) A background check as required in RCW 26.33.190(3) that includes the examination of state and federal criminal history check(s) and child abuse and neglect check(s);

(b) Whether the applicant previously applied for an adoption home study from any entity, review of the completed home studies and the outcome of the application(s); and

(c) References gathered throughout the assessment process, including references from each of the applicant's adult children or doc-

umentation of your diligent efforts to contact the adult children. A minimum of ((~~four~~)) three references, with no more than one relative, are required.

(5) A supervisor must sign for approval and denial of the adoption home study.

(6) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1305 What definitions do I need to know to understand this chapter? The following definitions 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 as defined in RCW 26.44.020.

"Adult" means a person eighteen years of age and older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"CA" means children's administration.

"Capacity" means the age range, gender 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/or 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 working on behalf of a child.

"Certification" means either:

(1) Our review of whether you meet the licensing requirements, even though you do not need to be licensed; or

(2) A licensed child placing agency (CPA) representing that a foster home being supervised by that CPA meets licensing requirements. The final decision for licensing is the responsibility of CA.

"Chapter" means chapter 388-148 WAC.

"Child", "children" or "youth" for this chapter, means a person who is one of the following:

(1) Under eighteen years old;

((~~(2) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC), or vocational program;~~))

((~~(3)~~)) (2) Up to twenty-one years of age and participating in the extended foster care program;

((~~(4)~~)) (3) Up to twenty-one years of age with intellectual and developmental disabilities;

((~~(5)~~)) (4) Up to twenty-one years of age and under the custody of the Washington state juvenile justice rehabilitation administration.

"Child placing agency or 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.

"DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.

"DDA" means the developmental disabilities administration.

"Department or DSHS" means the department of social and health services.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies, and group care facilities.

"FBI" means the Federal Bureau of Investigation.

"Foster home or foster family home" means a person(s) licensed to regularly provide twenty-four hour care in their home to children.

"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.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"License" means a permit issued by us confirming that you and your home meet the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Licensor" means either:

(1) A DLR employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies established under this chapter; or

(2) An employee of a child placing agency who certifies or monitors foster homes supervised by the child placing agency.

"Maternity services" 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 who requires the availability of twenty-four hour skilled care from a health care professional or specially trained family or foster 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 are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child under the care and authority of CA and the child's whereabouts are unknown and/or the child has left care without the permission of the child's caregiver or CA. This does not include children in dependency guardianship.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the home of a child's parent, guardian, or legal custodian.

"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.

"Property or premises" means your buildings and grounds adjacent to your residential property that are owned and/or managed by you.

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

"Relative" means a person who is related to a child as defined in RCW 74.15.020.

"Respite" means brief, temporary relief 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.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

"Washington state patrol fire protection bureau or WSP/FPB" means the state fire marshal.

"We, our, and us" refers to the department of social and health services, including DLR and DCFS staff.

"Young child" refers to a child age twelve months through eight years old.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1365 What are the character and personal requirements for foster parents? (1) You must be at least twenty-one years old to apply for a license.

(2) You must demonstrate you have:

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

(b) The ability to furnish children with a nurturing, respectful, and supportive environment; and

(c) Sufficient regular income to maintain your own family, without the foster care reimbursement made for the children in your care.

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

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1420 What incidents involving children must I report? (1) You must report the following immediately and in no instance later than forty-eight hours to your local children's administration intake staff and the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager:

(a) Death, serious illness or injury, or psychiatric care that requires medical treatment or hospitalization of a child in care;

(b) Any time you suspect or a child discloses physical or sexual abuse, neglect, or exploitation of a child as required under RCW 26.44;

(c) Sexual contact between two or more children that is not considered typical play between preschool age children;

(d) Any disclosure by a child in care of sexual or physical abuse;

(e) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

((~~(e)~~))(f) Any use of physical restraint that is alleged to have been improperly applied or excessive;

((~~(f)~~))(g) Physical assault between two or more children that results in injury requiring off-site medical attention or hospitalization;

((~~(g)~~))(h) Physical assault of a foster parent, employee, volunteer or others by children in care that results in injury requiring off-site medical attention or hospitalization;

((~~(h)~~))(i) Any medication that is given or consumed incorrectly and requires off-site medical attention; or

((~~(i) Serious~~))(j) Property damage that is a safety hazard and is not immediately corrected or may affect the health and safety of children.

(2) You must report the following incidents related to a child in care as soon as possible or in no instance later than forty-eight hours, to the child's DSHS worker:

(a) Suicidal/homicidal thoughts, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems outside the usual range of reactions caused by medications, that do not require professional medical attention;

(c) Any incident of medication incorrectly administered or consumed;

(d) Any treatment by a medical professional for emergency medical or emergency psychiatric care;

((~~(d)~~)) (e) Physical assault between two or more children that results in injury but did not require professional medical treatment;

((~~(e)~~)) (f) Physical assault of a foster parent, employee, volunteer or others by children that results in injury but did not require professional medical treatment;

((~~(f)~~)) (g) Drug and/or alcohol use by a foster child;

((~~(g)~~)) (h) Any inappropriate sexual behavior by or toward a foster child; or

((~~(h)~~)) (i) Use of prohibited physical restraints for behavior management.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1425 What are my reporting responsibilities when a child is missing from care? (1) As soon as you have reason to believe a child in your care is missing as defined in WAC 388-148-1305 or has

refused to return to or remain in your care, or whose whereabouts are otherwise unknown, you are required to notify the following:

(a) The child's assigned DSHS worker, as appropriate;

(b) CA Intake, if the DSHS worker is not available or it is after normal business hours;

(c) The case manager, if the child is placed by a child placing agency program.

(2) You are required to contact local law enforcement within six hours if the child is missing from care. You must contact law enforcement immediately in any of the following circumstances:

(a) The child is believed to have been taken from placement. This means the child's whereabouts are unknown, and it is believed that the child has been concealed, detained or removed by another person;

(b) The child is believed to have been lured from placement or has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation;

(c) The child is age thirteen or younger;

(d) The child has one or more physical or mental health conditions that if not treated daily, will place the child at severe risk;

(e) The child is pregnant, or is parenting and the infant/child is believed to be with him or her;

(f) The child has severe emotional problems (e.g., suicidal thoughts) that if not treated, will place the child at severe risk;

(g) The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself;

(h) The child has a serious alcohol and/or substance abuse problem; or

(i) The child is at risk due to circumstances unique to that child.

(3) After contacting local law enforcement, you must also contact the ((~~Washington state patrol's (WSP) missing children clearinghouse to report that the child is missing from care. The telephone number for the clearinghouse is~~)) national center for missing and exploited children at 1 (800) ((~~5~~))843-5678 and report the child missing from care.

(4) If the child leaves school or has an unauthorized absence from school, you should consult with the child's worker to assess the situation and determine when you should call law enforcement. If any of the factors listed in subsections (2)(a) through (i) of this section are present, you and the child's worker may decide it is appropriate to delay notification to law enforcement for up to four hours after the end of the school day to give the child the opportunity to return.

(5) You must provide the following information to law enforcement and to the child's DSHS worker when making a missing child report, if available:

(a) When the child left;

(b) Location the child left;

(c) What the child was wearing;

(d) Any known behaviors or interactions that may have caused the child's departure;

(e) Possible places where the child may go;

(f) Special physical or mental health conditions or medications that affect the child's safety;

(g) Known companions who may be aware or involved in the child's absence;

(h) Other professionals, relatives, significant adults or peers who may know where the child would go; and

(i) Recent photo of the child.

(6) You must ask law enforcement for the missing person report number and provide it to the child's DSHS worker or staff.

(7) At any time after making an initial report you learn of a missing child's whereabouts or the child returns to your home, you must report that information to the child's DSHS worker.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1445 What are the requirements for water, garbage and sewer in my home? (1) You must maintain adequate sewage and garbage facilities. You must discharge sewage into a public system or into a functioning septic system or a department of health approved and/or tribal authority alternative system.

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

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

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1470 What are the general requirements for bedrooms? (1) Each child shall have a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs. Children may share bedrooms, in compliance with WAC 388-148-1475.

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

(3) You ((~~must~~)) may not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

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

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

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

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

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

((~~(8)~~)) (9) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW, Consumer Product Safety Improvement Act of 2008. These requirements include:

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

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

~~(c) You must not use crib bumpers, stuffed toys and pillows with sleeping infants unless advised differently by the child's physician~~)).

((~~(9)~~)) (10) You must place infants on their backs for sleeping, unless advised differently by the child's ((~~physician~~)) licensed health care provider.

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

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

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

(14) You may not use weighted blankets for children under three years of age or that have mobility limitations unless advised differently by the child's licensed health care provider.

(15) If you use a weighted blanket, you must meet the following requirements:

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

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

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

((~~(10)~~)) (16) You ((~~must~~)) may not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development or condition. Examples: Preschool children, expectant mothers, and children with a disability.

((~~(11) You must assure that children have access to clean clothing that is appropriate to their age. You must provide safe storage of children's clothing and personal possessions.~~))

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1475 What are the requirements for sharing bedrooms? (1) Shared bedrooms must provide enough floor space for the safety and comfort of children.

(2) Foster teen parents may sleep in the same room with their children. When a teen parent and his/her infant sleep in the same room, the room must contain at least eighty square feet of usable floor space. You must allow only one parent and infant(s) to occupy a bedroom.

(3) No more than four children shall sleep in the same room. This includes foster children and any other children.

(4) Children over age one may share a bedroom with an adult who is not the child's parent only if ((~~the child's physician authorizes it in writing~~)) it is needed for close supervision due to the child's medical or developmental condition and the child's licensed health care provider recommends it in writing.

(5) An individual in the extended foster care program may share a bedroom with a younger child of the same gender. If the younger child is unrelated to the individual in the extended foster care program, the younger child must be at least ten years of age.

((~~(5)~~)) (6) Foster children may not share the same bedroom with a child of another gender unless all children are under age six.

((~~(6) A youth placed in the extended foster care program may not share a bedroom with a youth younger than ten years of age.~~))

(7) An exception may be granted to 388-148-1475 (3) through (6) with an administrative approval if it is supported by the licensor and the child(ren)'s DSHS worker, and is in the best interest of the child.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1500 Under what conditions may I have guns and weapons on my property? (1) You must notify your licensor if you or someone else in your home has a gun or weapon on the property. This includes but is not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns and archery equipment.

(2) ((~~Guns and ammunition must not be accessible to children, and must be kept in locked containers with guns and ammunition locked separately.~~)) You must always keep guns and ammunition out of reach of children. When at home, you must keep guns and ammunition in locked containers out of reach of children. You must store guns separate from the ammunition unless stored in a locked gun safe.

(3) You must ((~~unstring or unload other types of dangerous weapons, and store them~~)) keep bows and arrows and other weapons in locked containers out of reach of children.

(4) If you store guns in a container that may be easily breakable, you must secure them with a locked cable or chain placed through the trigger guards.

(5) Whenever possible, we encourage you to equip guns with a trigger guard lock.

(6) You must keep keys to the locked storage area of weapons secure from children.

(7) Children may use a gun only if the child's worker approves and the youth and supervising adult has completed an approved gun or hunter safety course.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1520 What services am I expected to provide for children in my care? (1) You must make all reasonable efforts to ensure that children are not abused or neglected per RCW 26.44.020(1) and chapter 388-15 WAC.

(2) You must provide and arrange for care that is appropriate for the child's age and development including:

(a) Emotional support;

(b) Nurturing and affection;

(c) Structured daily routines and living experiences; and

(d) Activities that promote the development of each child. This includes cultural and educational activities in your home and the community.

(3) In caring for infants and young children you must:

(a) Hold infants, under the age of six months, for all bottle feedings;

(b) Hold infants at other times for the purposes of comfort and attention; and

(c) Allow children plenty of free time outside of a swing, crib or playpen.

(4) In caring for youth enrolled and participating in the extended foster care program you must:

(a) Provide a youth opportunity and support for achieving independence; and

(b) Allow a youth responsibility for their actions.

(5) Before making significant changes in a child's appearance, you must consult with the child's DSHS worker. These significant changes include, but are not limited to, body piercing, tattoos and major changes in hairstyle or color.

(6) You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity.

(7) You must connect a child with resources that meets a child's needs regarding race, religion, culture, sexual orientation and gender identity. These include cultural, educational and spiritual activities in your home and community including tribal activities within the child's tribal community or extended tribal family. Your licensor, the child's DSHS worker or CPA case manager and/or child's tribal ICW case manager can assist you with identifying these resources.

(8) You must be sensitive to a child's religion or spiritual practices. You must provide adequate opportunity for religious or spiritual training and participation appropriate to the child's spiritual beliefs. You may not require any child to participate in practices against their beliefs.

(9) You must provide for the child's physical needs. This includes adequate hygiene, nutritional meals and snacks, and readily available drinking water. This also includes a balanced schedule of rest, active play, and indoor and outdoor activity appropriate to the age of the child in care.

(10) You must guide the child to develop daily living skills according to the child's abilities and development. This may include assigning daily chores to children.

(11) The department will identify a suitable permanent plan for children in its care and custody. You may not interfere with this plan. You may attend appropriate shared planning meetings to participate in the decision making process and provide input on the child. You may submit information about the child's permanent plan and other issues through the caregiver's report to the court.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1525 What are the educational and vocational instruction requirements for children in care? (1) You must meet the following requirements for providing education and vocational instruction to the children under your care. For each child you must:

(a) Follow the educational plan approved by the child's DSHS worker;

(b) Home schooling is prohibited for all children in the care and custody of the department;

((~~(b)~~)) (c) Support the child in regular school attendance. If a child is absent from school you must follow the school's reporting requirements. Notify the child's DSHS worker if the child is absent from school more than three consecutive school days;

((~~(c)~~)) (d) Receive approval from the child's DCFS worker prior to making any changes to a child's educational plan;

((~~(d)~~)) (e) Support the child's educational plan by providing each child with necessary school supplies and a suitable place to study;

((~~(e)~~)) (f) Develop a transportation plan with the child's DSHS worker to ensure school attendance; and

((~~(f)~~)) (g) Encourage older youth to pursue a post-secondary education when appropriate.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1540 What privacy must I provide for children in my care? (1) You must assure the right to privacy of personal mail, electronic mail, and phone calls unless:

(a) We ask you to provide monitoring; or

(b) The court approves implementation of the monitoring as part of the child's case plan.

(2) CA prohibits the use of video and audio monitoring of children in the interior of foster homes unless all of the following are met:

(a) The DLR administrator grants approval for the use of an electronic monitoring device in your facility following a request by the child's DSHS worker;

(b) The court approves implementation of the monitoring as part of the child's case plan; and

(c) You maintain a copy of the approval.

(3) The prohibition of audio or visual monitoring does not include monitoring of the following:

(a) Infants ((~~and toddlers~~)) or children through four years of age;

(b) Medically fragile or sick children;

(c) Video recording equipment to document actions of a child as directed in writing by the child's physician;

(d) Video recording for special events such as birthday parties or vacations; or

(e) The use of door or window alarms or motion detectors.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1605 Who can watch my foster child when I am away from home? (1) You may use a respite provider as defined in WAC 388-148-1600.

(2) You may also use a friend or relative as a substitute care provider for foster children without arranging for a background check. Care provided on an occasional basis, for less than seventy-two hours, will be at your own expense. This may occur when you have no reason to suspect the substitute care provider would be a risk to children, or has no founded child abuse or neglect history or criminal history that would disqualify them from caring for children. You must also:

(a) Be familiar and comfortable with the person who will be caring for the child;

(b) Meet with the substitute care provider and review the expectations regarding supervision and discipline of the foster children;

(c) Be responsible for providing the care provider any special care instructions; and

(d) Tell the substitute care provider how to contact you in case of an emergency.

(3) If the care by the substitute care provider is a regular arrangement, you must have written approval from the child's worker. The person must provide evidence of a cleared Washington state patrol background check and meet additional requirements for members of the household as defined in WAC 388-148-1320(2).

(4) Based on the special needs of a child, the DSHS worker may require the substitute care provider to have additional skills or training.

(5) Teenagers, age sixteen and seventeen, who meet all requirements stated in this section, may supervise no more than three foster children.

(6) Foster children may provide short-term babysitting for children not in foster care. Sexually aggressive and physically assaultive youth may not babysit other children.

AMENDATORY SECTION (Amending WSR 15-01-069, filed 12/11/14, effective 1/11/15)

WAC 388-148-1625 Will you license or continue to license me if I violate licensing requirements? (1) We may modify, deny, suspend or revoke your license when:

(a) You do not meet the licensing requirements in this chapter;

(b) You or others in your home may not have unsupervised access to children;

(c) We have determined that you have abused or neglected a child;

(d) You commit, permit, or assist in an illegal act on the premises of a home or facility providing care to children;

(e) You knowingly provide false information to us;

((~~(d)~~)) (f) You are unable to manage your property and financial responsibilities; or

((~~(e)~~)) (g) You cannot provide for the safety, health and well-being of the children in your care.

(2) We will send you a certified letter telling you of the decision to modify, deny, suspend or revoke your license. In the letter, we will also tell you what you need to do if you disagree with the decision.

(3) The department has jurisdiction over all foster home licenses and over all holders of and applicants for licenses as provided in RCW 74.15.030(5). This jurisdiction is retained even if you request to withdraw the application, or you surrender or fail to renew your license.