



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

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

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

- Yes
 - No
- If Yes, explain:

Purpose:

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

Citation of existing rules affected by this order:

- Repealed: None
- Amended: WAC 388-25-0502, WAC 388-25-0504, WAC 388-25-0506, WAC 388-25-0516, WAC 388-25-0528, WAC 388-25-0540, WAC 388-25-0546, WAC 388-25-0548
- Suspended: None

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

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

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-02-105 on January 5, 2016 (date).

Describe any changes other than editing from proposed to adopted version: No changes were made.

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

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

February 23, 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: February 24, 2016

TIME: 9:18 AM

WSR 16-06-044

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>8</u>	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

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

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

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>8</u>	Repealed	_____

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

WAC 388-25-0502 What is the purpose of the extended foster care program? The extended foster care program provides an opportunity for young adults in foster care at age eighteen to voluntarily agree to continue receiving foster care services, including placement services, while the youth completes a secondary or post-secondary academic or vocational program~~((7))~~; or participates in a program or activity designed to promote employment or remove barriers to employment; or is engaged in employment for eighty hours or more per month.

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

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

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

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

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

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

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

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

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

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

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

(a) Signing an extended foster care agreement; or
(b) For developmentally disabled youth, remaining in the foster care placement and continuing in an appropriate educational program.

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

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

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

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

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

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

(1) Agree to participate in the extended foster care program.

(2) Be enrolled in an education program, vocational program, or participating in a program or activity designed to promote employment or remove barriers to employment, employed for eighty hours or more per month, or is transitioning from one status to another.

(3) Continue to reside in an approved placement.

(4) Comply with youth's responsibilities in WAC 388-25-0546.

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

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

(1) Agree to participate in the program as expressed in the written extended foster care agreement;

(2) Maintain the standard of eligibility as set by the youth's academic program or employment related program, or employment status;

(3) Participate in the case plan, including monthly health and safety visits;

(4) Acknowledge that children's administration (CA) has responsibility for the youth's care and placement by authorizing CA to have access to records related to court-ordered medical, mental health, drug/alcohol treatment services, educational records needed to determine continuing eligibility for the program, and for additional necessary services; and

(5) Remain in the approved foster care placement and follow placement rules. This means the youth will:

(a) Stay in the placement identified by CA or approved by the court;

(b) Obtain approval from case worker and notify caregiver for extended absences from the placement of more than three days; and

(c) Comply with court orders and any specific rules developed in collaboration by the youth, caregiver and social worker.

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

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

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

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

(3) Reaches their twenty-first birthday;

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

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

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

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

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