



PROPOSED RULE MAKING

CR-102 (October 2017) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 17, 2017

TIME: 2:18 PM

WSR 17-21-085

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

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-16-168 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

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

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-25-0506 "Who is eligible for extended foster care?", WAC 388-25-0528 "How does a youth agree to participate in the extended foster care program?", and WAC 388-25-0534 "If an extended foster care participant loses his or her eligibility before he or she turns nineteen, can he or she reapply for extended foster care?".

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 21, 2017	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2

Date of intended adoption: Not earlier than November 22, 2017 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

Other:

By (date) 5:00 pm November 21, 2017

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant

Phone: 360-664-6092

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Kildaja@dshs.wa.gov

Other:

By (date) November 7, 2017

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend these rules because the Washington state legislature modified RCW 74.13.031 to raise the age limit for youth to re-enroll into the Extended Foster Care (EFC) program. The age limit has been raised from 19 years old to 21 years old.

Reasons supporting proposal: To align with recent changes in legislation.

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

Statute being implemented: RCW 13.34.145

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Sherrie Flores	PO Box 45710, Olympia, WA 98504	360-902-8332
Implementation:	Sherrie Flores	PO Box 45710, Olympia, WA 98504	360-902-8332
Enforcement:	Sherrie Flores	PO Box 45710, Olympia, WA 98504	360-902-8332

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

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

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

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

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

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

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

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

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

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

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

Date: October 12, 2017

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

AMENDATORY SECTION (Amending WSR 16-14-065, filed 6/30/16, effective 7/31/16)

WAC 388-25-0506 Who is eligible for extended foster care? (1)

To be eligible for the extended foster care program, a youth, on his or her eighteenth birthday must be dependent under chapter 13.34 RCW, placed in foster care as defined in WAC 388-25-0508 by CA, and:

(a) Enrolled in school as described in WAC 388-25-0512 ~~((in a high school or high school equivalency program));~~

~~(b) ((Enrolled as described in WAC 388-25-0512 in a post-secondary academic or vocational education program;~~

~~(c)) Have applied for ((and)), or can demonstrate intent to timely enroll in a post-secondary academic or vocational education program ((+)) as described in WAC 388-25-0514((+)); ((or~~

~~(d)) (c) Participating in a program or activity designed to promote employment or remove barriers to employment as described in WAC 388-25-0515;~~

~~((e)) (d) Engaged in employment for eighty hours or more per month; ((or~~

~~(f)) (e) Unable to engage in subsection (1)(a) through ((e)) (d) of this section due a documented medical condition((-)) as described in WAC 388-25-0519; or~~

~~((2) Have)) (f) Did not enroll in the extended foster care program and;~~

~~(i) Had their dependency dismissed on their eighteenth birthday ((as the youth did not meet any of the criteria found in subsections (1)(a) through (f) of this section, or did not agree to participate in the program and the youth));~~

~~(ii) Is requesting to ((participate)) enroll in the extended foster care program through a voluntary placement agreement (VPA) prior to reaching the age of nineteen((-)); and~~

~~(iii) Meets one of the criteria found in subsections (1)(a) through (e) of this section.~~

~~(2) If the youth was in the extended foster care program but then unenrolled or lost their eligibility, the youth may reenroll in the extended foster care program through a VPA one time before the age of twenty-one. The youth must meet one of the criteria in subsections (1)(a) through ((f)) (e) when requesting to ((participate)) reenroll in the extended foster care program.~~

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

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 who did not elect to participate in the program on their eighteenth birthday 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 if the department denied entry into the program.

(3) An eligible nondependent youth requesting to reenter the program may agree to participate by signing a VPA prior to reaching age twenty-one as long as the youth has not previously entered into a VPA for extended foster care services.

(4) In order to continue receiving extended foster care services after entering into a ~~((voluntary placement agreement))~~ VPA 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))~~ VPA.

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

WAC 388-25-0534 If an extended foster care participant loses his or her eligibility before he or she turns ~~((nineteen))~~ twenty-one, ~~((can))~~ may he or she reapply for extended foster care? (1) Yes. If a youth was ~~((receeiving))~~ receiving extended foster care ~~((services))~~ services and lost eligibility, he or she may reapply as long as the youth:

~~((1))~~ The youth) (a) Has not turned ~~((nineteen))~~ twenty-one; ~~((and~~

~~((2))~~ The youth) (b) Meets one of the conditions for eligibility in WAC ~~((388-25-0506))~~ 388-25-0506(1)(a) through (e); and

~~((3))~~ The youth) (c) Has not entered into a prior voluntary placement agreement with the department for the purposes of participating in the extended foster care program.

(2) Youth may reenter the extended foster care program one time between the ages of eighteen to twenty-one.