



PROPOSED RULE MAKING

CR-102 (August 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 21, 2017

TIME: 11:55 AM

WSR 17-23-172

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 17-19-093 ; 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).**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-32-0030 "What FRS services does the department provide?".

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 26, 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 December 27, 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 p.m. on December 26, 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) December 12, 2017

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend WAC 388-32-0030 in order to better align this rule with current practice.

Reasons supporting proposal: The existing WAC is outdated and does not reflect current practice in the Children's Administration (CA).

Statutory authority for adoption: RCW 13.32A.040, RCW 74.13.031, RCW 74.080.090

Statute being implemented: RCW 74.13.031

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: None

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) 902-7903
Implementation:	Sherrie Flores	PO Box 45710 Olympia, WA 98504	(360) 902-7903
Enforcement:	Sherrie Flores	PO Box 45710 Olympia, WA 98504	(360) 902-7903

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:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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: November 16, 2017

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-32-0030 What FRS ((services)) does the department provide? The assigned social worker provides family reconciliation services (FRS) to develop skills and supports within families to resolve family conflicts, achieve a reconciliation between parent and child, and to avoid out-of-home placement. The services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, financial, legal, educational, or other social services, as appropriate to the needs of the child and family. Typically FRS is ~~((limited to a ninety-day))~~ completed within a thirty-day period. Children's administration (CA) provides ~~((intake/assessment))~~ intake and assessment services (IAS).

(1) Youth ~~((and/or))~~ and their families who call or self-present at a children's administration central intake or ~~((a))~~ local office requesting FRS ~~((services))~~ must be provided assistance in contacting the appropriate children's administration's intake services to make a formal request for FRS ~~((services))~~.

~~((a))~~ (2) The FRS social worker must contact the family within twenty-four hours of their assignment to the case~~((r))~~ to schedule an appointment to begin the ~~((phase I))~~ family interview ~~((process))~~ and assessment. ~~((These))~~

(3) FRS ~~((phase I sessions are))~~ is intended to defuse the immediate potential for violence, assess problems, and explore options leading to problem resolution.

~~((b) CA or its contractors may provide FRS phase II crisis counseling services.~~

~~((2))~~ (4) Families ~~((eligible for FRS phase II crisis counseling are those who, in the opinion of the family and the CA social worker, require more intensive services than those provided through phase I services.~~

(a) Families must make a commitment to participate in the FRS phase II crisis counseling service and must not concurrently be receiving similar counseling services through other agencies or practitioners. At a minimum, there must be a parent and a child willing to participate. FRS phase II crisis counseling assists the family to develop skills and supports in order to resolve conflicts.

(b) FRS phase II crisis counseling services may not exceed twelve hours within forty five days unless it is provided using a CA approved model that is based on research demonstrating effectiveness.

(c) The assigned counselor helps the family develop skills and supports to resolve conflicts. The counselor may refer to resources including medical, legal, ongoing counseling and CPS for problem resolution.

(d) FRS phase II crisis counseling services are available a maximum of twice in a lifetime for any one family. The family must include a parent/guardian who has legal custody of the youth) who require more intensive interventions than those provided by the FRS social worker may be referred to a contracted provider for services. The family must make a commitment to participate in the contracted services.