



**RULE-MAKING ORDER  
PERMANENT RULE ONLY**

**CR-103P (December 2017)  
(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 31, 2019

TIME: 11:19 AM

WSR 20-02-101

**Agency:** Department of Social and Health Services, Developmental Disabilities Administration

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) February 1, 2020 (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:** The department is amending WAC 388-826-0075 and WAC 388-826-0095, repealing WAC 388-826-0090, and creating new sections including WAC 388-826-0096, WAC 388-826-0097, and WAC 388-826-0098. The amendments are necessary to do the following: align the calculation of client participation for voluntary placement services (VPS) clients with that of other waiver participants; clarify parent and guardian responsibilities; and require clients receiving VPS in child foster homes to establish a basic expense agreement.

**Citation of rules affected by this order:**

New: WAC 388-826-0096, WAC 388-826-0097, WAC 388-826-0098  
 Repealed: WAC 388-826-0090  
 Amended: WAC 388-826-0075, WAC 388-826-0095  
 Suspended: None

**Statutory authority for adoption:** RCW 71A.12.030

**Other authority:** RCW 74.13.350

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-21-115 on October 18, 2019 (date).

Describe any changes other than editing from proposed to adopted version: WAC 388-826-0097 was revised to address stakeholder concerns by making the following changes to the proposed text:

**WAC 388-826-0097 What expenses must a parent pay for while their child while receiving receives voluntary placement services?** A parent or legal guardian remains financially responsible for all expenses for their minor child that are not included in voluntary placement services.

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

Name: Chantelle Diaz  
 Address: P.O Box 45310, Olympia, WA 98504-5310  
 Phone: 360-407-1589  
 Fax: 360-407-0955  
 TTY: 1-800-833-6388  
 Email: Chantelle.Diaz@dshs.wa.gov  
 Web site:  
 Other:

**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	___	Repealed	___

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>3</u>	Amended	<u>2</u>	Repealed	<u>1</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>3</u>	Amended	<u>2</u>	Repealed	<u>1</u>

**Date Adopted:** December 31, 2019

**Name:** Cheryl Strange

**Title:** Secretary

**Signature:**



AMENDATORY SECTION (Amending WSR 18-23-004, filed 11/7/18, effective 12/8/18)

**WAC 388-826-0075** ~~What are a parent or legal guardian's responsibilities when ((their)) a child is receiving voluntary placement services?~~ (1) When a client is receiving voluntary placement services, the client's parent or legal guardian must:

- ~~((1))~~ (a) Maintain weekly contact with the child;
- ~~((2))~~ (b) Comply with the voluntary placement agreement;
- ~~((3—Help))~~ (c) Apply for all income and benefits available to the child ((from the Social Security Administration)); and
- ~~((4))~~ (d) Participate in:
  - ~~((a))~~ (i) The shared parenting plan;
  - ~~((b))~~ (ii) Team meetings; and
  - ~~((e))~~ (iii) The DDA annual assessment, including the person-centered service plan.

(2) When the child receives social security income, the child's parent or legal guardian must establish a representative payee to manage the child's income and comply with the client responsibility and basic expenses required in this chapter.

(3) Nonpayment of a child's client responsibility or basic expenses may jeopardize the child's placement with a provider.

AMENDATORY SECTION (Amending WSR 02-22-057, filed 10/31/02, effective 12/1/02)

**WAC 388-826-0095** ~~((Who pays for a child's care when a child is in out-of-home))~~ What must a client pay toward the cost of voluntary placement services in a licensed staffed residential home, a children's SOLA, or a group care facility? ~~((State funds, federal funds and the child's SSI, that is used for basic maintenance support the cost of the child's care while the child is in licensed out-of-home placement. The parent is encouraged to continue to support their child with typical activities, e.g., presents, clothing, special items, special outings. Licensed providers who care for the child in a licensed setting will be paid directly through a contract with DDD and according to an established rate structure, established within DDD.))~~

(1) To receive voluntary placement services in a licensed staffed residential home, a children's SOLA, or a group care facility for medically fragile children, a client may be required to pay client responsibility as required under this section.

(2) The department determines the amount of client responsibility and room and board a client must pay under:

(a) WAC 182-515-1510 if the client is enrolled on a DDA home and community-based (HCB) waiver under chapter 388-845 WAC; or

(b) WAC 182-513-1235 if the client is enrolled in roads to community living under chapter 388-106 WAC.

NEW SECTION

**WAC 388-826-0096 What must a client pay toward the cost of voluntary placement services in a child foster home?** (1) To receive voluntary placement services in a child foster home, a client must pay the provider a fixed monthly amount referred to as basic expenses, which must be outlined in a basic expense agreement.

(2) The written basic-expense agreement must include:

(a) Monthly amounts for rent, utilities, and food costs; and

(b) The day of the month the payment is due to the provider.

(3) The total monthly obligation in the basic-expense agreement must not exceed the client's available income minus the personal needs allowance under WAC 182-513-1105(5).

(4) Before the client moves into the child foster home, the basic-expense agreement must be:

(a) Signed by the client or the client's legal representative;

(b) Signed by the provider; and

(c) Sent to DDA.

(5) Changes to the basic-expense agreement must be reviewed by DDA before implementation.

NEW SECTION

**WAC 388-826-0097 What expenses must a parent pay for while their child receives voluntary placement services?** A parent remains financially responsible for all expenses for their minor child that are not included in voluntary placement services.

NEW SECTION

**WAC 388-826-0098 What does the department pay toward voluntary placement services?** (1) For a client residing in a licensed staffed residential home, a children's state-operated living alternative (SOLA), or a group care facility, the department pays the cost of the voluntary placement services minus the amount of client responsibility under WAC 388-826-0095.

(2) For a client residing in a child foster home, the department pays the cost of the voluntary placement services minus basic expenses under WAC 388-826-0096.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-826-0090

What does a parent do with the child's  
Social Security benefits when the  
parent's child lives outside the  
parent's home?