

DCYF's Foster Care Negotiated Rule Making (NRM)  
WAC Completion Progress Report

**Progress During the last and final 6<sup>th</sup> Four-Week Rotation from March 31-May 6, 2025 (Pending WAC from Sets 1-5)**

Negotiation completed on the following WAC:

Consensus reached

**DRAFT WAC 110-148-1405 Children's and youth's well-being files**

Foster homes must meet the following requirements for keeping children's and youth's records in their well-being files:

(1) Keep the following records accessible to authorized individuals in the home, if provided by the caseworker:

(a) The child's or youth's general information, including:

- (i) Name;
- (ii) Birth date; and
- (iii) List of their personal inventory as outlined in WAC 110-148-1545;

(b) Legal information, including:

- (i) Name and phone number of their caseworker;
- (ii) Written consent for providing medical care and emergency surgery, as authorized by a court order;
- (iii) Contact information for the individuals to be contacted in case of emergency, including their:

- (A) Name;
- (B) Address; and
- (C) Phone number;

(iv) List of and contact information for individuals related to their case who are authorized to have unsupervised access to children and youth in care, including their:

- (A) Name;
- (B) Address; and
- (C) Phone number; and

(v) Name and phone number of their guardian ad litem, child advocate, or attorney;

(c) Special instructions, including supervision requirements and suggestions for managing problem behavior; and

(d) Medical information, including:

- (i) Provider One information;
- (ii) A written list of all their prescription medications;
- (iii) Their medical history including:
  - (A) Any clinical or medical diagnoses or special health problems and any related treatment plans;

- (B) The name of all their licensed health care providers;
- (C) The type of medical coverage under which they are covered;
- (D) The date of their last physical exam;
- (E) The date of their last dental exam; and
- (F) Any allergies;
- (iv) Their mental health history, including any of the following current issues as applicable:
  - (A) Mental health disorders;
  - (B) Chemical dependency issues; and
  - (C) Behavioral issues; and
- (v) Medical and psychological reports;
- (2) Keep the following information as applicable to the child or youth as it is obtained and updated:
  - (a) Information on their specific cultural needs and how they will be met, including:
    - (i) Spiritual and religious beliefs;
    - (ii) Race and ethnicity;
    - (iii) SOGIE; and
    - (iv) Tribal connection, if applicable;
  - (b) Medical information, including:
    - (i) Name and contact information for their dental care provider; and
    - (ii) Immunizations records; and
  - (c) Their most current school records, including 504 plans and IEPs;
- (3) Provide copies of the records listed in subsection (2) to the caseworker as they are updated;
- (4) Turn reports and information about children, youth, or their family over at the end of placement to either:
  - (a) Their caseworker; or
  - (b) Their next placement if directed by their caseworker.
- (5) If foster parents do not receive documents from the caseworker that are necessary to the safety and well-being of children and youth in care, they must make at least one attempt to notify the caseworker and receive the document.

**DRAFT WAC 110-148-1435 Travel with children or youth**

Foster parents must:

- (1) Obtain written approval from children's or youth's caseworkers, allowing sufficient time for court approval to be granted, prior to children and youth traveling in the following situations, as outlined in RCW 74.13.710:
  - (a) Any travel within the United States or BC border counties that is longer than 72 hours; or
  - (b) Any other out-of-country travel for any length of time; and

(2) Explain to children or youth according to their developmental capabilities the reason for any denial of opportunities to travel with friends or activity groups if they have not consulted the caseworker based on the prudent parent guidelines outlined in RCW 74.13.710.

**DRAFT WAC 110-148-XXXX Technology use**

Foster parents must meet the following requirements regarding children's and youth's use of technology:

- (1) Provide children and youth the ability to access technology that is:
  - (a) Appropriate to their age and developmental capabilities;
  - (b) In line with their individualized supervision plan and any other restriction requirements outlined by the department; and
  - (c) Based on their current capability to safely use technology;
- (2) Provide teaching, guiding, and monitoring on the safe use of technology and the internet as allowed in subsection (1) in accordance with guidelines from the American Academy of Pediatrics;
- (3) If the home has rules and expectations for technology use, share those with children and youth upon entering placement in the home according to their developmental capabilities both:
  - (a) Verbally; and
  - (b) Offered in writing.
- (4) If technology use is restricted due to the child's or youth's ability to use it safely:
  - (a) For up to 72 hours:
    - (i) Identify the unsafe use and how to regain access to technology use; and
    - (ii) Communicate both with the child or youth; and
  - (b) For more than 72 hours:
    - (i) Collaborate with the child or youth and their caseworker to develop a written plan on technology access; and
    - (ii) Provide a copy of the plan to the child or youth.

**DRAFT WAC 110-148-1545 Handling children's and youth's belongings**

Foster parents must meet the following requirements for handling children's and youth's personal belongings:

- (1) Handle and store children's or youth's belongings with care and respect at all times;
- (2) Complete the following steps related to tracking children's and youth's personal belongings:
  - (a) Work with children and youth according to their developmental capabilities to document the personal items brought into the home they would like tracked in their personal inventory;
  - (b) Update the personal inventory in subsection (a) at least quarterly and at the time of leaving placement;
  - (c) Share the personal inventory with children and youth according to their developmental capabilities; and
  - (d) When children and youth move to a new placement:
    - (i) Verify they have all of their belongings;

- (ii) Provide a copy of their personal inventory;
- (iii) Provide luggage or a sturdy container for their belongings; and
- (iv) Allow children or youth to take a meaningful comfort item agreed upon by the foster parents with them when they leave;
- (3) Collaborate with the caseworker to transfer children's and youth's belongings to them as soon as possible and no more than 21 days after leaving their home; and
- (4) Securely store children's and youth's belongings after they have left placement in the home until:
  - (a) They are able to take their belongings; or
  - (b) Their belongings are transferred to the caseworker or their next placement.

**DRAFT WAC 110-148-1580 Children and youth taking their own medications**

Foster parents must:

- (1) Assess children and youth who wish to take their own medications for their developmental capability to follow medication instructions in collaboration with:
  - (a) The child or youth;
  - (b) Their caseworker; and
  - (c) Their licensed health care provider for prescription medications;
- (2) Develop and follow an individual plan approved by the caseworker based on the assessment in (1) that includes:
  - (a) Which medications they may take on their own;
  - (b) How their medication use will be monitored;
  - (c) Who will be responsible for logging medication if required by WAC 110-145-1575; and
  - (d) How the medications will be stored to allow children or youth access;
- (3) Demonstrate to children and youth how to safely store and take their medications as needed;
- (4) If they find an unsecured medication that the child or youth has legally obtained and brought into the home without their knowledge, they must:
  - (a) Follow the storage requirements in WAC 110-148-1565; and
  - (b) Follow the procedure outlined in subsections (1), (2), and (3); and
- (5) Not allow children and youth to take controlled substances on their own, unless instructed otherwise by the caseworker, including through the case plan for EFC youth per WAC 110-148-1535.

**DRAFT WAC 110-148-1615 Behavior management**

Foster parents must meet the following requirements for behavior management as appropriate for children's and youth's age and developmental capabilities:

- (1) Use trauma-informed behavior guidance methods;
- (2) Effectively communicate with children and youth to:

- (a) Build a positive connection through shared activities;
  - (b) Provide clear expectations for behavior; and
  - (c) Establish healthy boundaries;
- (3) Assist children and youth to:
- (a) Develop coping mechanisms that promote emotional self-regulation, self-responsibility, self-direction, self-esteem, and cooperation; and
  - (b) Collaborate with their caseworker and their therapist, if they have one, if an individualized coping mechanism plan is needed, which may include incorporating strategies that are not trauma-informed;
- (4) Not use any of the following as disciplinary methods to correct children's or youth's behavior:
- (a) Any physical discipline;
  - (b) Withholding of food and water;
  - (c) Physical labor, except if they damage something, they may:
    - (i) Repair it; or
    - (ii) Perform labor for compensation to cover the cost of replacing it;
  - (d) Withholding approved contact with their family, fictive kin, or tribal community, except in collaboration with the caseworker;
  - (e) Withholding their ability to attend support groups, or religious or cultural events, except in collaboration with the caseworker;
  - (f) Physical restraint as outlined in WAC 110-148-1620;
  - (g) Administering medication other than as prescribed or recommended by the manufacturer; or
  - (h) Any behavior management methods that:
    - (i) Are:
      - (A) Verbally abusive;
      - (B) Neglectful;
      - (C) Humiliating;
      - (D) Intimidating; or
      - (E) Frightening;
      - (F) Intended to cause any kind of discomfort;
    - (ii) Interfere with their:
      - (A) Basic needs; or
      - (B) Need for necessary services including contact with their:
        - (I) Caseworker;
        - (II) Attorney; and
        - (III) Guardian ad litem; and
- (5) Maintain responsibility for behavior management and not delegate that responsibility to a child or youth.

**DRAFT WAC 110-148-1620 Use of handling and restraints**

**(1) Foster parents may use:**

- (a) Physical handling of children or youth appropriate to their developmental capabilities to:
  - (i) Hold them for comfort;
  - (ii) Pick them up or carry them without restricting their limbs for transport or redirection; or
  - (ii) Hold their hand to escort them; or
- (b) Mechanical restraints only when ordered by a licensed health care provider.

**(2) Foster parents must:**

- (a) Not use physical restraints:
  - (i) To redirect or de-escalate a situation, unless the child's or youth's behaviors pose an immediate risk to the physical safety of themselves or another individual or serious property damage. If restraint is necessary, it must be:
    - (A) Appropriate to the situation according to their developmental capabilities;
    - (B) Discontinued as soon as the danger is no longer present;
  - (ii) As a form of punishment or discipline;
- (b) Never use:
  - (i) Physical restraint on a child or youth in a prone position with the stomach and chest facing down;
  - (ii) Physical restraint that restricts breathing;
  - (iii) Physical restraints intended to cause injury;
  - (iv) Restriction of movement by placing pressure on joints, chest, heart, or vital organs;
  - (v) Sleeper holds;
  - (vi) Arm twisting;
  - (vii) Hair holds;
  - (viii) Choking or putting arms around the throat;
  - (ix) Chemical restraints, such as pepper spray; or
  - (x) Restriction of movement within a physical location, such as a locked room;
- (c) After using physical restraint:
  - (i) Document the use, including what least-restrictive methods were tried prior to use;
  - (ii) Send a copy of the documentation to the child's or youth's caseworker and licensor within 48 hours as outlined in WAC 110-148-1420; and
  - (iii) Keep a copy of the documentation on the premises; and
- (d) Not use physical restraint of a child or youth on a regular basis without:
  - (i) Prior approval in writing from the child's or youth's caseworker through their supervision plan;
  - (ii) Receiving training using a behavior management training approved by the department prior to use; and
  - (iii) If the supervision plan differs from the requirements of subsection (2)(a), follow the plan.

Partial consensus reached

WAC	Reason(s) Consensus was Blocked
<p><b>DRAFT WAC 110-148-1420 Reporting incidents</b></p> <p>Foster parents must report incidents involving children and youth in their care immediately and in no instance later than 48 hours after occurrence as follows:</p> <p>(1) To department intake and caseworker report:</p> <ul style="list-style-type: none"> <li>(a) Death;</li> <li>(b) Injuries or health conditions that carry high risk of mortality or long-term negative impacts on an individual's daily function or quality of life;</li> <li>(c) Psychiatric care that requires hospital admission;</li> <li>(d) Use of physical restraints as outlined in WAC 110-148-1620 that is one or more of the following: <ul style="list-style-type: none"> <li>(i) Prohibited use for behavior management;</li> <li>(ii) Excessive; or</li> <li>(iii) Improperly applied;</li> </ul> </li> <li>(e) Physical assault by a child or youth in care of another child or youth, foster parent, or other adult that results in injury requiring off-site medical attention or hospitalization;</li> <li>(f) Any medication that is given or consumed incorrectly and that requires medical attention;</li> <li>(g) Any time they suspect physical or sexual abuse, neglect, or exploitation of the child or youth as required under chapter <a href="#">26.44</a> RCW;</li> <li>(h) Sexual contact, as defined in RCW <a href="#">9A.44.010</a>, between two or more children or youth; <ul style="list-style-type: none"> <li>(i) Disclosure by the child or youth of sexual or physical abuse;</li> <li>(j) Suicidal or homicidal attempts;</li> <li>(k) Suicidal or homicidal thoughts or plans unless a supervision plan is in place that has been approved by the caseworker;</li> <li>(l) The child's or youth's self-inflicted physical injury not intended as a suicide attempt unless a supervision plan is in place that has been approved by the caseworker;</li> <li>(m) Arrest or detainment of the child or youth;</li> <li>(n) Any treatment for medical or psychiatric emergencies that requires an emergency response or admission to the hospital; or</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Consensus on “and caseworker” in subsection (1) was blocked by 2 of the 14 NRM representative groups because they thought reporting to caseworker wasn’t necessary since it was being reported to Intake.</li> <li>• Consensus on subsection (1)(f) was blocked by 3 of the 14 NRM representative groups.</li> <li>• All other subsections reached consensus.</li> </ul>

<p>(o) Discovery of drug or alcohol use or possession in the home by a child or youth unless a supervision plan is in place that has been approved by the caseworker;</p> <p>(2) To the child's or youth's caseworker:</p> <ul style="list-style-type: none"> <li>(a) Any inappropriate sexual behavior by or toward a child or youth;</li> <li>(b) Discovery of illegal property, drugs, or weapons on the premises;</li> <li>(c) Discovery of drug or alcohol use or possession off the premises by a child or youth;</li> <li>(d) Physical assault by a child or youth in care of another child or youth, foster parent, or other adult that does not result in an injury requiring off-site medical attention or hospitalization;</li> <li>(e) Unexpected health problems outside the usual range of reactions caused by medications that do not require medical attention; or</li> <li>(f) Suspected or known gang recruitment of or activity by a child or youth; or</li> </ul> <p>(3) To the child's or youth's caseworker and the licensor, significant property damage on the licensed premises caused by children or youth in care.</p>	
<p><b>DRAFT WAC 110-148-1475 Shared bedrooms</b></p> <p>(1) Foster parents using shared approved bedrooms:</p> <ul style="list-style-type: none"> <li>(a) Must: <ul style="list-style-type: none"> <li>(i) Place children and youth in a bedroom with another child or youth of the same or similar gender identity, except if everyone sharing the bedroom is: <ul style="list-style-type: none"> <li>(A) Under six years old; or</li> <li>(B) Related to each other;</li> </ul> </li> <li>(ii) Consider what bedroom placement best meets the safety and well-being needs of children and youth based on input from: <ul style="list-style-type: none"> <li>(A) The caseworker; and</li> <li>(B) The children and youth that will be sharing bedrooms according to their developmental capabilities;</li> </ul> </li> <li>(iii) Assess children's or youth's requests to move to a different bedroom and accommodate as able unless it puts the safety and well-being of any child or youth in the home at risk;</li> <li>(iv) Provide enough floor space for the safety and comfort of children and youth sharing bedrooms and a minimum of 50 square feet per child in the bedroom; and</li> <li>(v) Not allow:</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Consensus on subsection (1)(a)(i) was blocked by 2 of the 14 NRM representative groups because they wanted the word "identity" in (a)(i) removed.</li> <li>• Consensus on subsection (1)(a)(i)(B) was blocked by 1 of the 14 NRM representative groups because they want there to be an LD admin approval for this.</li> <li>• Consensus on subsection (1)(a)(v)(A) was blocked by 1 of the 14 NRM representative groups because they don't think there should be more than four children in a room under any conditions.</li> </ul>



<p>(A) More than four children under 12 years old to share one bedroom, including children and youth in care and any other children or youth in the home, except that more than four related children may share a bedroom;</p> <p>(B) More than two youth age 12 years old and older to share one bedroom, except that more than two related children may share a bedroom; and</p> <p>(C) Foster youth that are currently identified as sexually aggressive or physically assaultive or aggressive in a shared bedroom with other children and youth;</p> <p>(b) May:</p> <p>(i) Allow parenting foster youth to sleep in the same room with their children as long as:</p> <p>(A) The room measures at least 80 square feet of usable floor space; and</p> <p>(B) Only one parent and their children may occupy a bedroom;</p> <p>(ii) Allow children under two years old to share a bedroom with care provider if it is in the best interest of the child; and</p> <p>(iii) Allow youth in the EFC program to share a bedroom with a younger child of the same gender as long as the younger child is:</p> <p>(A) Related to the individual in the EFC program; or</p> <p>(B) At least 10 years old.</p> <p>(2) The department may grant an exception to subsections (1)(a)(i), (iv), and (v)(A-B) and (b)(i-iii) of this section with an administrative approval if:</p> <p>(a) It is in the best interest of the child or youth in care; and</p> <p>(b) It is supported by the:</p> <p>(i) LD licensor and</p> <p>(ii) The caseworker.</p>	<ul style="list-style-type: none"> <li>• Consensus on subsection (1)(a)(v)(B) was blocked by 2 of the 14 NRM representative groups because they think limiting it to 2 children and distinguishing by age would limit capacities and number of available homes/beds.</li> <li>• All other subsections reached consensus.</li> </ul>
<p><b>DRAFT WAC 110-148-1500 Firearms and other weapons</b></p> <p>(1) Foster parents must follow these requirements for firearms and weapons on the property:</p> <p>(a) Notify the LD licensor:</p> <p>(i) If firearms or other weapons are stored on the premises; or;</p> <p>(ii) If firearms will be used on the property;</p> <p>(b) Comply with these requirements for storing firearms and weapons:</p> <p>(i) Store firearms, ammunition, and other weapons in locked storage inaccessible to children and youth;</p>	<ul style="list-style-type: none"> <li>• Consensus on subsection (1)(c) was blocked by 4 of the 14 representative groups because they want the WAC to allow for conceal and carry.</li> <li>• All other subsections reached consensus.</li> </ul>

<p>(ii) Keep firearms separate from ammunition unless stored in a locked gun safe;</p> <p>(iii) Secure firearms with a locked cable or chain placed through the trigger guards if they are stored in a container that may be easily breakable; and</p> <p>(iv) Keep keys to the locked storage inaccessible to children and youth;</p> <p>(c) When transporting firearms, ammunition, and other weapons:</p> <p>(i) Only allow adults to remove firearms, ammunition, and other weapons from locked storage;</p> <p>(ii) Keep firearms, ammunition, and other weapons inaccessible to children and youth in care at all times, except as allowed in (1)(d); and</p> <p>(iii) Keep firearms in locked storage or secured with a locked cable or chain placed through the trigger guards when transporting firearms in a vehicle with children and youth in care;</p> <p>(d) Not allow children and youth to:</p> <p>(i) Use firearms unless:</p> <p>(A) Their caseworker approves;</p> <p>(B) An adult approved by the caseworker is supervising; and</p> <p>(C) Both the supervising adult and the child or youth have completed or while they are in an approved gun or hunter safety course; and</p> <p>(ii) Be present when firearms are being used by others unless:</p> <p>(A) They are more than 20 feet from the firearms being used at all times and being supervised as outlined in WAC 110-148-1610; or</p> <p>(B) As allowed in WAC 110-148-xxxx.</p> <p>(2) Foster parents may:</p> <p>(a) Carry a loaded weapon on their person if they are required to by their profession and they are on duty;-and</p> <p>(b) Request an exception from the department to subsection (1)(b) through (d) for EFC youth in care who may legally possess a firearm.</p>	
<p><b>DRAFT WAC 110-148-1610 Supervising children and youth, including around bodies of water</b></p> <p>Foster parents must provide or arrange for supervision per WAC 110-148-1605 that is appropriate for the age and developmental capabilities of children and youth in care, including:</p> <p>(1) For each child and youth in care:</p>	<ul style="list-style-type: none"> <li>• Consensus on subsection subsections (4)(c)(i)(ii), (d)(i)(ii) and (5)(a)(b) were blocked by 1 of the 14 representative groups because they did not think the requirement was stringent enough.</li> </ul>

<p>(a) Providing personal attention to meet their safety and well-being needs;</p> <p>(b) Using their knowledge of each child's and youth's developmental capabilities to:</p> <ul style="list-style-type: none"> <li>(i) Mitigate unsafe or unhealthy events or actions; and</li> <li>(ii) Intervene in unsafe or unhealthy events or actions as soon as possible;</li> </ul> <p>(c) If additional supervision is needed:</p> <ul style="list-style-type: none"> <li>(i) Follow any supervision plans approved by the department; and</li> <li>(ii) Keep a copy of the supervision plan in each impacted child's or youth's well-being file as outlined in WAC 110-148-1405;</li> </ul> <p>(2) When supervising young children, the supervising individual must not:</p> <ul style="list-style-type: none"> <li>(a) Leave children or youth unattended in a bathtub or shower if they are under five years old or it is unsafe due to their developmental capabilities; or</li> <li>(b) Use cribs, bassinets, cradles, playpens, car seats, high chairs, or swings as a substitute for supervision;</li> </ul> <p>(3) Complying with all laws and using appropriate safety gear when using motorized vehicles;</p> <p>(4) Keeping children and youth safe around bodies of water by:</p> <ul style="list-style-type: none"> <li>(a) Providing supervision by an individual who stays within touching distance of children under six years old and any other children or youth who have a higher risk when they are in a body of water or near enough to present a danger, except that if they are in a swimming lesson with a certified instructor, the instructor does not have to stay within touching distance;</li> <li>(b) Requiring all children and youth to wear U.S. Coast Guard-approved personal floatation devices when boating using recreational vessels, except that they may follow the requirements of the operator when on a commercially operated recreational vessel;</li> <li>(c) Requiring children and youth swimming in open water where a lifeguard is not on duty to: <ul style="list-style-type: none"> <li>(i) Be supervised if they are under 15 years old; and</li> <li>(ii) Wear U.S. Coast Guard-approved personal floatation devices if they are under 12 years old;</li> </ul> </li> <li>(d) Using careful and thoughtful decision making to determine if supervision or US. Coast Guard-approved personal floatation devices are needed: <ul style="list-style-type: none"> <li>(i) When swimming in a designated swimming area or in open water where a lifeguard is on duty; and</li> <li>(ii) When youth are older than the ages required in subsection (c) and swimming in any location;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• All other subsections reached consensus.</li> </ul>
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<p>(e) Having available and encouraging the use of US Coast Guard approved floatation devices when children and youth are swimming but are not required under subsection (4)(c) or (d);</p> <p>(5) If children or youth are swimming in an area where there is no lifeguard on duty and supervision is required under subsection (4), there must be at least one individual over 16 years old present who has current age-appropriate first aid and CPR training and either:</p> <p>(a) Has completed an LD approved water safety training and is following the recommendations of the training; or</p> <p>(b) Who knows how to swim, how to use rescue equipment, and has it with them.</p>	
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