

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

Progress During the Second, Four-Week Rotation from Nov. 18 - 22, 2024 and Dec. 2 - 20, 2024 (WAC Sets #1 & #2)

Negotiation has completed on the following WAC:

Consensus Reached:

DRAFT WAC 110-148-1380 In-service training.

- (1) Foster parents must complete in-service training by following the department-approved individual in-service training plan based on:
 - (a) The department's foster home training policy;
 - (b) The needs of children and youth in care; and
 - (c) Previous training and experience.
- (2) All foster parents must complete training approved by the department within their first nine months of licensure on the following topics:
 - (a) Culturally responsive care;
 - (b) LGBTQIA+ affirming care; and
 - (c) Trauma-informed care.
- (3) If foster parents fail to complete the training requirements, the department may take the following progressive actions, to include:
 - (a) Issuing a compliance agreement;
 - (b) Delaying the foster care renewal license until the requirements are met;
 - (c) No longer placing children or youth in the home; or
 - (d) Taking one of the following licensing actions:
 - (i) Issue a probationary license;
 - (ii) Suspend the license; or
 - (iii) Revoke the license.
- (4) The department may:
 - (a) Modify training plans at any time; or
 - (b) Require specific training related to the needs of the children and youth in care.

DRAFT WAC 110-148-1385 Determining license capacity.

- (1) The department will:
 - (a) Issue licenses that specify the licensed capacity, which is the maximum number, age range, and gender of children and youth that may be placed in a foster home.
 - (b) Determine capacity based on the:
 - (i) Number of foster parents;
 - (ii) Their skills;
 - (iii) Physical accommodations in the home; and
 - (iv) Needs of the children and youth placed in the home; and
 - (c) Limit the number of children and youth in a foster home except as outlined in WAC 110-148-1390:
 - (i) Six children and youth in a home licensed with two foster parents;
 - (ii) Four children and youth, in a home licensed with one foster parent; and
 - (iii) These limits include:
 - (A) Their own children and youth under the age of 18; and
 - (B) Children and youth in foster or respite care.
- (2) The department may allow foster homes to exceed the capacity limit in subsection (1)(c) in the following cases:
 - (a) Applicants that have the maximum specified in (1)(c) of their own children and youth may be licensed for one foster child or youth at the department's discretion if the home meets all the other licensing requirements; and
 - (b) LD licensors may determine that foster homes that reach maximum capacity during licensure due to birth or adoption may be assessed for their suitability for one additional child or youth.
- (3) At any time foster parents must not care for more than the following capacity except as provided in subsection (4):
 - (a) Two children age birth through one year old or who are nonambulatory, including their own children;
 - (b) Three children or youth with developmental disabilities;
 - (c) Three children or youth with emotional disorders and a supervision plan developed by the department;
 - (d) Three children or youth with behavioral disorders; or
 - (e) Three medically fragile foster children or youth who need semi-skilled maintenance or supportive services that the foster parents have the training and experience to care for.
- (4) Foster homes may request an exception to subsection (3) if they develop a plan to demonstrate how they can provide for the safety and well-being of additional children and youth in care.
- (5) Foster homes may accept placement of a teen parent and their child even if both are not in the custody of the department or a CPA. Both the parent and child will count towards the maximum capacity.
- (6) Foster parents may request a modification to a higher capacity when:
 - (a) They have been licensed for six or more months and have demonstrated the ability to care for children within their licensed capacity; or
 - (b) They have been licensed for less than six months and have approval from the LD administrator.

DRAFT WAC 110-148-1390 Overcapacity exemptions.

- (1) The department may allow foster homes to:
 - (a) Temporarily exceed the home's licensed capacity as long as the placement:
 - (i) Is in the best interest of the child or youth; and
 - (ii) Does not affect the safety and well-being of other children and youth in the home; and
 - (b) Exceed a capacity of six foster children and youth in a home with two foster parents or four foster children and youth in a home with one foster parent if one or more of the following conditions exists:
 - (i) It is an emergency placement;
 - (ii) It allows:
 - (A) Parenting youths in foster care to remain with their children;
 - (B) Siblings to remain together;
 - (C) A child or youth who has an established, meaningful relationship with the family to be placed or remain with the family; or
 - (D) A family with the necessary special training or skills to provide care to a child or youth who has a severe disability.
- (2) The approval must be in writing.
- (3) Foster parents must follow any written plans from the department for additional supervision or other requirements.

DRAFT WAC 110-148-1400 Medical services for children and youth who are medically fragile or with developmental disabilities.

Foster parents caring for medically fragile children and youth or children and youth with developmental disabilities must:

- (1) Arrange for medical services prescribed by or referred to by a licensed health care provider or certified specialists related to children's or youth's particular diagnosis; and
- (2) Follow any treatment plans from children's and youth's licensed health care providers or certified specialists to meet their unique safety and well-being needs.

DRAFT WAC 110-148-1410 Confidentiality of children's, youth's, and their families' information.

- (1) Foster homes must comply with the following when sharing information about children and youth in care:
 - (a) Keep information about children, youth and their families confidential; and
 - (b) Only share their information, including their well-being files to the extent necessary to conduct one's official duties with:
 - (i) Representatives of:
 - (A) The department; and
 - (B) The office of the family and children's ombuds;
 - (ii) Their assigned CPA team;
 - (iii) Their tribal social services worker;
 - (iv) Treatment and service providers identified in their case plan or with permission of their department caseworker;
 - (v) Their guardian ad litem;
 - (vi) Their court-appointed special advocate and attorney; and
 - (vii) Emergency services, including law enforcement, first responders, and emergency medical personnel.
- (2) Foster parents may share information about children or youth with others not listed in subsection (1) for the benefit of the child or youth and:
 - (a) In collaboration with the child or youth according to their developmental capabilities; and
 - (b) Unless prohibited by their caseworker.
- (3) CPAs and the department must share information with foster parents about children, youth, and their families related to their case plan in order to meet their needs.

DRAFT WAC 110-148-1430 Reporting other circumstances.

- (1) Foster homes must report any of the following circumstances to the LD licensor:
 - (a) When moving to a new location, follow the notification requirements outlined in RCW 74.15.100:
 - (i) If they have children or youth placed in the home, they must notify the licensor prior to the move. They may request a continuation of the license up to 30 days;
 - (ii) If there are no children or youth placed in the home and the family remains intact, they must notify the licensor within 90 days of the move;
 - (b) The following changes immediately but no more than 72 hours after occurrence:
 - (i) Mailing address or phone number;
 - (ii) Structure of the home or property, whether planned or unplanned, such as damage from a natural disaster;
 - (iii) Any significant changes regarding household members on the premises, including:
 - (A) A change in the foster parents' marital status; or
 - (B) Foster parents' separation;
 - (iv) An arrest of anyone living on the premises or who has access to children and youth;
 - (v) The death of immediate family members living in the home;
 - (vi) Anyone moving in or out of the premises;
 - (vii) Any serious physical or mental incapacity that may interfere with the care of children and youth;
 - (viii) Any changes in a medical condition, including changes in medications, that impact foster parents' ability to care for children and youth; and
 - (c) The following changes within 24 to 48 hours after occurrence:
 - (i) A change in foster parents' employment or significant decrease in income; and
 - (ii) Adoption of children or youth.
- (2) The department may require a new assessment of the home, which may result in the issuance of a license.

DRAFT WAC 110-148-1440 Home and property.

Foster homes must:

- (1) Be located at the particular, fixed location on the license as outlined in RCW 74.15.100.
- (2) Have:
 - (a) Adequate indoor and access to outdoor space to meet the needs of children and youth in care;
 - (b) Ventilation;
 - (c) Toilet and bathing facilities;
 - (d) Light;
 - (e) Heat that maintains the health and comfort of all members of the household;
 - (f) A kitchen with maintained and working equipment, including at least the following:
 - (i) Sink;
 - (ii) Refrigerator;
 - (iii) Stove; and
 - (iv) Oven;
 - (g) Either:
 - (i) Adequate laundry and drying equipment; or
 - (ii) Other arrangements for laundry on a regular basis.
 - (h) A phone that works at all times with reliable reception and a backup power source while children and youth are present in the home and that:
 - (i) Allows individuals calling the home to leave a message at all times. Foster parents must give children and youth their phone messages no later than 24 hours from when the message was left or when the child or youth returns to the home; and
 - (ii) Children and youth are able to use privately per WAC 110-148-1540;
- (3) Post the homes address and emergency numbers, suicide crisis hotline phone numbers, the Washington state poison control number (1-800-222-1222), and the physical address of the home in a prominent location unless the home has an exception under WAC 110-148-1630;
- (4) Use doors that are easy to open from the inside and outside in all areas of the home that are occupied, including closets, bathrooms, and bedrooms;
- (5) Provide easy access to the outside in case of an emergency;
- (6) Develop a plan with your licenser to address hazardous conditions on the premises with the licenser;
- (7) Follow all local and state regulations such as zoning regulations, local building codes, and fire codes. The department may require proof that the foster home complies with local regulations.

DRAFT WAC 110-148-1445 Garbage, sewer, and water.

(1) Foster homes must:

- (a) Dispose of garbage sufficient to maintain sanitary conditions on the premises, including having a system to remove garbage from the premises;
- (b) Have adequate sewage facilities that are one of the following:
 - (i) Connected to a public sewage system;
 - (ii) A functioning septic system; or
 - (iii) An alternative system that is approved by DOH or the tribal authority;
- (c) Maintain the temperature of running water at or below 120 degrees. If foster parents do not have control over the main water temperature, they must prevent children from being burned or scalded by hot water;
- (d) Have access to either:
 - (i) Public water supply; or
 - (ii) Private water supply that has been tested according to state and local testing guidelines, including but not limited to testing for coliform and nitrates:
 - (A) By:
 - (I) The local health district; or
 - (II) A private water-testing laboratory approved by the Washington state department of ecology or tribal government; And
 - (B) At the following times:
 - (I) Licensing;
 - (II) Relicensing; and
 - (III) Any time the department or CPA deems necessary.

(2) Foster homes may request an exception to the requirements in this section from the department if they can demonstrate:

- (a) The request is in response to temporary and unexpected circumstances; and
- (b) How they can provide for the safety and well-being of children and youth in care.

DRAFT WAC 110-148-1455 Swimming pools and bodies of water.

Foster parents must:

- (1) Keep children and youth in care safe around bodies of water that pose a risk to their safety and well-being according to their developmental capabilities;
- (2) Prevent access to:
 - (a) Swimming pools with a locking barrier that has been approved by the department. If the barrier is a fence, it must be:
 - (i) Nonscalable; and
 - (ii) At least four feet high; and
 - (b) Prevent access to other bodies of water as outlined in the site-specific supervision plan outlined in subsection (6);
- (2) Lock hot tubs when not in use;
- (3) Meet one of the following requirements for all potential water hazards, including wading pools, either:
 - (a) Make them inaccessible to children and youth when not in use; or
 - (b) Empty them after each use. Swimming pools that cannot be emptied must have a working pump and filtering system.
- (4) Equip swimming pools with life-saving devices, such as ring buoys;
- (5) Comply with all state and local regulations for all swimming pools, hot tubs, and other bodies of water; and
- (6) Create a site-specific supervision plan with the LD licensor for the bodies of water based on the development level and behaviors of the children and youth in the home.

Partial Consensus Reached:

WAC	Reason(s) Consensus was Blocked
<p>DRAFT WAC 110-148-1375 Preservice, first aid, cardiopulmonary resuscitation, and bloodborne pathogen training.</p> <p>(1) The primary foster parent in the foster home must:</p> <ul style="list-style-type: none"> (a) Complete preservice training before licensure; and (b) Maintain records showing current first aid, CPR, and bloodborne pathogens training for all caregivers in the home. <p>(2) Foster parents and all household members over the age of 18 years old who provide care must complete and maintain the following trainings:</p> <ul style="list-style-type: none"> (a) Department approved: <ul style="list-style-type: none"> (i) First aid that is accredited and meets the national recognized standards; and (ii) CPR for the ages of the children and youth in care that: <ul style="list-style-type: none"> (A) Is accredited and meets the national recognized standards; and (B) Includes an in-person demonstration to verify the individuals are capable of performing CPR; and (b) Bloodborne pathogens and infection control standards consistent with educational materials published by DOH. <p>(3) Foster parents and others providing care are not required to complete CPR training if the following requirements are met:</p> <ul style="list-style-type: none"> (a) They have a statement from a physician advising they not complete training for medical reasons; and (b) Another individual with current CPR training is on the premises when children and youth are present. 	<ul style="list-style-type: none"> • Consensus on subsection (1) was blocked by 1 of the 13 NRM representative groups because they want the secondary foster parent to be required to take a modified (6-hr) version of CCT. • All other subsections reached consensus.

WAC	Reason(s) Consensus was Blocked
<p>DRAFT WAC 110-148-1460 Natural disaster and emergency preparation. Foster homes must:</p> <p>(1) Develop and follow written emergency plans using the form from the department that includes:</p> <p>(a) At a minimum, responses to the following types of emergencies:</p> <p>(i) Fires;</p> <p>(ii) Natural disasters; and</p> <p>(iii) Other emergencies;</p> <p>(b) A written evacuation plan that:</p> <p>(i) Reflects the developmental capabilities of the children and youth in care; and</p> <p>(ii) Includes:</p> <p>(A) Action to be taken:</p> <p>(I) By the individuals discovering the emergency while waiting for the emergency responders; and</p> <p>(II) Following the emergency;</p> <p>(B) Evacuation of the building in a manner that is safe for children, youth, and other members of the household; and</p> <p>(C) An evacuation floor plan, identifying the location of:</p> <p>(I) Exit doors and windows;</p> <p>(II) Fire extinguishers; and</p> <p>(III) Smoke detectors and carbon monoxide detectors, unless the home has an integrated fire suppression system that includes both smoke detectors and carbon monoxide detectors;</p> <p>(c) An emergency contact plan regarding the whereabouts and well-being of the children following the evacuation;</p> <p>(d) For natural disasters, how the home will maintain necessary supplies including but not limited to: (i) Food;</p> <p>(ii) Water; and</p> <p>(iii) Medications;</p> <p>(2) Share this plan with the licensor, including any updates to the plan as circumstances in the home change, such as changes in the developmental capabilities of children and youth living in the home;</p> <p>(3) Post a copy of the evacuation floor plan in a prominent place;</p> <p>(4) Keep the other emergency plans available and accessible in the home;</p> <p>(5) Practice the emergency response plans upon placement and at least quarterly with the children and youth in care appropriate to their developmental capabilities and document the time and date of each practice;</p> <p>(6) Teach children and youth emergency response actions they can take that are appropriate to their developmental capabilities, including how to use a fire extinguisher;</p> <p>(7) Review the evacuation plans with children and youth in care; and</p> <p>(8) Notify the caseworker regarding the whereabouts and well-being of children and youth following an emergency.</p>	<ul style="list-style-type: none"> • Consensus on subsection (5) was blocked by 1 of the 13 NRM representative groups because they did not think it was necessary for caregivers to be required to document when they practiced their emergency plans. • All other subsections reached consensus.

Negotiations continues on the following WAC:

- 110-148-1395 Admitting and retaining children and youth
- 110-145-1405 Children's and youth's well-being files
- 110-148-1420 Reporting incidents
- 110-148-1435 Travel with children or youth