

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

Progress during the 4th Four-Week Rotation from February 3-28, 2025 (WAC Set 4 and pending WAC from Sets 1, 2, and 3)

Negotiation completed on the following WAC:

Consensus reached

DRAFT WAC 110-148-1470 Bedrooms.

- (1) Foster homes must provide a bedroom for each child or youth in care that meets the following requirements:
 - (a) Is approved by the LD licensor;
 - (b) Provides appropriate and adequate privacy and space to meet children's and youth's developmental needs;
 - (c) Meets the requirements outlined in WAC [110-148-1475](#) if the bedroom is shared with other children or youth;
 - (d) Has unrestricted direct access to outdoors;
 - (e) Has at least one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas that does not require children and youth to pass through another private bedroom space;
 - (f) Is used only as the child's or youth's bedroom while they are placed in the home and not also:
 - (i) A common room or other common area;
 - (ii) A guest bedroom when the child or youth is not home without their approval; or
 - (iii) A room that is used by a household member for another purpose other than as a bedroom when a child or youth is placed in the room, such as an office or sewing room, except for bedrooms used for short term stays; and
 - (g) For children age birth through five years old, is on the same floor, within easy hearing distance, or monitored in compliance with WAC 110-148-1540 of an adult with access to their bedroom; and
- (2) Foster parents must:
 - (a) Provide:
 - (i) An appropriately-sized separate bed for each child and youth in care that meets their individual needs with:
 - (A) Clean bedding;
 - (B) A bed frame, unless the bed frame is not indicated because of the child's or youth's preference or medical or cultural needs; and
 - (C) Pillows that are covered with waterproof material or washable;
 - (ii) A mattress that is:
 - (A) Free from bugs;
 - (B) Kept clean;
 - (C) In good condition; and

- (D) Either:
 - (I) Moisture-resistant; or
 - (II) Covered with a waterproof mattress cover, which may be removed if requested by the child or youth;
- (iii) Safe storage for clothing and personal possessions;
- (b) Not co-sleep or share any sleeping surface, such as a bed, sofa, or chair with children and youth in care;
- (c) When determining child and youth placement in loft-style beds or upper bunks, the foster parent must follow the manufacturer's label and consider the child's or youth's developmental capabilities; and
- (d) For infants:
 - (i) Use safe cribs, bassinets, or play yards that:
 - (A) Comply with chapter [70.111](#) RCW; and
 - (B) Have a certificate of compliance, sticker, or documentation stating the crib meets 16 C.F.R. 1219 or 1220 and are approved by ASTM International or consumer products safety commission;
 - (ii) Follow recommendations from the American Academy of Pediatrics, unless ordered differently by a licensed health care provider, for:
 - (A) Safe sleep practices for SIDS/SUIDS risk reduction when infants are napping or sleeping; and
 - (B) Swaddling until the infant shows signs of trying to roll over, except that infants must not be swaddled after two months of age without consulting a licensed health care provider;
- (e) When using weighted blankets:
 - (i) Consult with a licensed health care provider or occupational therapist to evaluate the use of weighted blankets and any safety concerns:
 - (A) When used by:
 - (I) A child age three through 12 years old;
 - (II) A youth over the age of 12 if indicated by their developmental capabilities;
 - (B) Obtain documentation of the result of the consultation; and
 - (C) Keep the documentation in the child's or youth's well-being file;
 - (ii) Only use under the following conditions:
 - (A) If the child or youth is three years old or older;
 - (B) If the licensed health care provider or occupational therapist does not advise against it; and
 - (C) When they do not:
 - (I) Exceed 10 percent of the child's or youth's body weight;
 - (II) Contain metal beads; or
 - (III) Hinder children's or youth's movement;
 - (iii) Do not place over children's or youth's heads or above the middle of their chests;
 - (iv) Do not use weighted blankets as restraints; and

(v) If children or youth age three years old or older enter care with a weighted blanket without documentation of a consultation from a licensed health care provider or occupational therapist, foster parents:

(A) Must:

- (I) Initiate consultation with a licensed health care provider or occupational therapist within 30 days to continue using the weighted blanket; and
- (II) Notify the child's or youth's caseworker of the date of the scheduled consultation if an appointment with a licensed health care provider or occupational therapist is not available within the 30 days of placement; and

(B) May use the weighted blanket as outlined in subsection (2)(e)(i-iv) of this section until they have consulted with the licensed health care provider or occupational therapist.

DRAFT WAC 110-148-1525 Education and vocational instruction for children and youth in care.

Foster parents must meet the following requirements for providing education and vocational instruction to the children and youth in care:

- (1) Follow all guidance and instructions regarding children's and youth's education from their caseworker, including but not limited to:
 - (a) Transportation plans;
 - (b) Who has the authority to make day-to-day and special education decisions;
 - (c) Plans to address the child's or youth's individual needs; and
 - (d) Other responsibilities that are delegated to the foster parents;
- (2) Not use any of the following unless approved by the caseworker or a court order as applicable:
 - (a) Home schooling;
 - (b) Private schooling; or
 - (c) Alternative learning experience instruction;
- (3) Support them in regular school attendance;
- (4) Follow the school's reporting requirements when they are absent from school;
- (5) Notify the caseworker if:
 - (a) They are absent from school more than three consecutive school days; or
 - (b) There are any concerns for the child's or youth's safety at school;
- (6) Support their education by providing them with necessary school supplies and a suitable place to study in the home; and
- (7) Collaborate with youth and young adults to explore how to meet their educational and vocational goals during and after finishing high school.

DRAFT WAC 110-148-1530 Children and youth participation in activities

Foster parents may:

- (1) Decide what foster family or community activities, both in and outside of the home, are appropriate for children and youth in care as long as they:

- (a) Collaborate with children and youth according to their developmental capabilities to consider their individual needs and preferences;
 - (b) Address their community and cultural connection needs;
 - (c) Follow the standards in RCW 74.13.710; and
 - (d) Do not prevent court-ordered family time with children's and youth's parents or siblings;
- (2) Allow youth to obtain:
- (a) Employment if the employment:
 - (i) Complies with laws regarding minors working; and
 - (ii) Does not interfere with school; and
 - (b) A driver's license if foster parents:
 - (i) Agree to act as the "parent or guardian" for the purposes of the Intermediate Driver's License Law;
 - (ii) Take responsibility for the youth's insurance until the youth leaves the home or ages out of care;
 - (iii) Notify the youth and their caseworker if they choose to cancel the youth's insurance at least five days before the cancellation becomes effective.

DRAFT WAC 110-148-1535 Extended foster care (EFC).

- (1) Foster parents may serve youth in the EFC program, as defined in chapter [110-90](#) WAC.
- (2) Foster parents serving youth in the EFC program who are placed in their home must follow the person-centered case plan from the caseworker, including:
 - (a) Provide opportunity and support for achieving independence according to their developmental capabilities including developing:
 - (i) Life skills;
 - (ii) Financial literacy;
 - (iii) Coordinating medical and dental care; and
 - (iv) Employment skills;
 - (b) Allow youth to take responsibility for their own actions, including:
 - (i) Purchases;
 - (ii) Driving;
 - (iii) Traveling; or
 - (iv) Financial obligations above and beyond basic care needs.
 - (c) Provide opportunity and support for meeting their education goals per WAC 110-148-1525.
- (3) Foster parents must follow all requirements of this chapter for youth in the EFC program who are placed in their home unless an exception is stated in the youth's person-centered case plan.
- (4) Youth enrolled and participating in the EFC program are considered children only for the purposes of the dependency. Otherwise the youth has the legal status and legal rights of an adult.

DRAFT WAC 110-148-1540 Children's and youth's privacy.

- (1) Foster parents must:
 - (a) Protect children's and youth's right to privacy according to their age and developmental capabilities, except as stated in subsection (1)(b);
 - (b) Monitor children and youth:
 - (i) Using careful and thoughtful parenting decisions to maintain their health, safety, and best interest while encouraging their emotional growth and development;
 - (ii) As required by:
 - (A) The department; or
 - (B) Court order; and
 - (iii) Consult with the caseworker if the foster parents' parenting decisions in (1)(b)(i) conflict with the requirements in (1)(b)(ii).
 - (c) Not use video or audio monitoring of children and youth in care in the interior of the home except as described in subsection (2) or unless all the following are met:
 - (i) The court order approves implementation of the monitoring;
 - (ii) The use of an electronic monitoring device in the home is approved by the LD administrator following a request by the child's or youth's caseworker; and
 - (iii) They maintain a copy of the approvals.
- (2) Foster parents may use audio or video monitoring of the following without the requirements in subsection (1)(c):
 - (a) Infants or children birth through four years of age;
 - (b) As directed by a licensed health care provider to:
 - (i) Monitor children or youth who are medically fragile or with a life-threatening illness; or
 - (ii) Document actions of a child;
 - (c) For special events such as birthday parties or vacations; or
 - (d) The use of door or window alarms or motion detectors.

DRAFT WAC 110-148-1550 Medical, dental, and vision care.

Foster parents must provide children and youth with appropriate medical, dental, and vision care, including:

- (1) Arranging for:
 - (a) Care for immediate physical or mental health, dental, or vision needs as necessary;
 - (b) Routine medical, dental, and vision care appointments following the schedule recommended by the licensed health care provider unless the care is refused by a youth who is able to provide informed consent under the law; and
 - (c) Transportation to and from scheduled appointments;
- (2) Completing regular EPSDT exams:
 - (a) Except for children and youth who:

- (i) Are in care for less than 30 days;
 - (ii) Have had an EPSDT exam in the 30 days prior to entering out-of-home care; or
 - (iii) Are under the age of 18 years old receiving residential habilitation services through DDA. In this case, foster parents must follow the direction of DDA regarding the need for an EPSDT exam after entering out-of-home care;
- (b) On the following timelines:
- (i) Within the first 30 days of initial placement; and
 - (ii) As required by the EPSDT examination periodicity schedule;
- (3) When giving medication or treatment:
- (a) Obtaining and following instructions from children’s and youth’s licensed health care providers;
 - (b) Administering medications as prescribed per the medication label; and
 - (c) Retaining the following for current medications:
 - (i) Pharmacy labels for prescription medications; and
 - (ii) Manufacturer labels on original packaging for over-the-counter medications;
 - (d) Completing the medication documentation as required in WAC 110-148-1575;
- (4) Taking necessary actions to respond to illnesses, injuries, contact with toxic or poisonous substances and emergencies and children’s and youth’s health concerns;
- (5) Calling 911 immediately in life-threatening emergencies prior to transporting the child or youth to a medical facility, even if they refuse medical care;
- (6) Collaborating with the caseworker for assistance if a youth refuses routine or nonemergent medical care, which could include requesting a shared planning meeting;
- (7) Keeping first-aid supplies available in the home including:
- (a) Protective nonlatex gloves;
 - (b) Bandages;
 - (c) Scissors and tweezers;
 - (d) Ace bandage;
 - (e) Gauze; and
 - (f) Nonbreakable and mercury free thermometer.

DRAFT WAC 110-148-1555 Immunization requirements.

Foster parents must follow caseworker instructions for completing children’s and youth’s immunizations, including:

- (1) Respecting any vaccine exemptions from:
- (a) Their birth parents; or
 - (b) Youth who have the legal authority to consent to their own medical care;

- (2) Completing current or catch-up immunizations on the recommended schedule from the licensed health care provider if no exemptions are in place; and
- (3) Keeping a copy of any documents regarding the child’s or youth’s immunization status from the caseworker or a licensed health care provider in their well-being file, including any of the following that apply:
 - (a) Certificate of immunization exemption; or
 - (b) Immunization history.

DRAFT WAC 110-148-1560 Medical care consent.

- (1) The department is the legal custodian for children and youth it places in care and has the authority to consent to emergency and routine medical services on behalf of children and youth when they are under the age of 18.
- (2) Youth in care ages 18 to 21 years old must:
 - (a) Give consent for their own medical care; or
 - (b) Have an identified individual who has been granted legal authority to give consent on their behalf.
- (3) Foster parents may only consent to emergency or routine medical services for children and youth placed in care by the department when the department has delegated the authority to them.
- (4) When caring for children in the custody of another agency, tribal court, or other court, foster parents must follow the direction of that agency or court regarding authority to give consent for medical care.

Partial consensus reached

WAC	Reason(s) Consensus was Blocked
<p>DRAFT WAC 110-148-1520 Providing care and arranging services for children and youth.</p> <p>(1) Foster parents must meet children and youth’s needs by providing care and arranging services as follows:</p> <ul style="list-style-type: none"> (a) Make all reasonable efforts to prevent abuse and neglect of children and youth, as outlined in RCW 26.44.020(1) and chapter 110-30 WAC; (b) Follow all state and federal laws regarding nondiscrimination while providing services to children and youth in care; (c) Consult with and follow any guidance and instructions from the department regarding care and services for children and youth, including but not limited to: <ul style="list-style-type: none"> (i) Service plans; (ii) Permanency plans; (iii) Site-specific supervision plans; (iv) Children’s or youth’s individual supervision plans; 	<ul style="list-style-type: none"> • Consensus on subsection (1)(k)(ii) was blocked by 3 of the 14 NRM representative groups because they did not think an exception should be allowed to be granted under WAC 110-148-1630 for supporting a child’s or youth’s SOGIE. • All other subsections reached consensus.

(v) Receiving prior approval before making significant changes to children's and youth's appearance, including but not limited to and as outlined in WAC 110-148-XXXX:

(A) Piercings;

(B) Tattoos; and

(C) Major changes in hairstyle or color; or

(vi) Any time they identify reasons why they are not able to follow guidance and instructions from the department to discuss reasonable alternatives to providing those services;

(d) Meet children's and youth's physical needs, including:

(i) Adequate hygiene;

(ii) Nutritious meals and snacks as outlined in WAC 110-148-1515;

(iii) Readily available drinking water;

(iv) A balanced schedule of rest, active play, and indoor and outdoor activity appropriate to the developmental capabilities and individual needs of the child or youth in care; and

(v) Clean clothing that meets children's and youth's comfort and identity needs;

(e) Treat all children and youth in the home equitably, based on their developmental capabilities;

(f) Guide children and youth to develop daily living and life skills according to their developmental capabilities. This may include assigning them daily chores as long as they chores

(i) Provide appropriate teaching and opportunities to build mastery in basic life skills; and

(ii) Are directly related to the essential upkeep of children's and youth's individual space and shared household spaces;

(g) Coach children and youth on how to advocate for their needs across settings;

(h) Support and engage with children and youth in care with dignity and respect regardless of actual or perceived race, ethnicity, culture, sex, or SOGIE;

(i) Verify that care provided is appropriate and adequate for children's and youth's age, SOGIE, developmental capabilities, and individual needs and preferences including but not limited to giving:

(i) Emotional support;

(ii) Nurturing and affection;

<ul style="list-style-type: none"> (iii) Structured daily routines and living experiences; and (iv) Activities that promote each child’s and youth’s development, including cultural and educational activities in the home and the community; (j) Connect children and youth in care with resources that support and affirm their needs regarding race, religion, culture, ethnic identity, and SOGIE, including emotional and developmental support through children’s and youth’s: <ul style="list-style-type: none"> (i) Education; (ii) Spiritual activities in the home and community; and (iii) Tribal activities within their tribal community or extended tribal family; (k) Support children’s and youth’s: <ul style="list-style-type: none"> (i) Religion or spiritual practices by: <ul style="list-style-type: none"> (A) Providing opportunities to participate in their spiritual beliefs and religious or spiritual education; and (B) Not requiring them to participate in practices against their beliefs; (ii) SOGIE unless granted an exception under WAC 110-148-1630 by: <ul style="list-style-type: none"> (A) Using their pronouns and chosen name; and (B) Respecting their right to privacy concerning their SOGIE; (l) When caring for infants and young children: <ul style="list-style-type: none"> (i) Hold infants age birth through five months for all bottle feedings; (ii) Hold infants at other times for the purposes of comfort and attention; and (iii) Allow children plenty of free time outside of a swing, crib or playpen; and (m) When caring for youth in EFC, follow the requirements in WAC 110-148-1535 and chapter 110-90 WAC. (2) Foster parents may: <ul style="list-style-type: none"> (a) Attend appropriate shared planning meetings with the department to participate in the decision-making process and provide input on the child or youth; (b) Submit information about the child's or youth’s permanency plan and other issues through the caregiver's report to the court; and (c) Request assistance from the licensor or caseworker with identifying resources to support and affirm children and youth’s needs regarding race, religion, culture, and SOGIE. 	
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Negotiations continue on the following WAC:

- 110-148-1395 Admitting and retaining children and youth (*WAC Set 1*)
- 110-148-1475 Shared bedrooms (*WAC Set 3*)

- 110-145-1405 Children's and youth's well-being files (WAC Set 2)
- 110-148-1420 Reporting incidents (WAC Set 2)
- 110-148-1435 Travel with children or youth (WAC Set 2)
- 110-148-1500 Firearms and other weapons (WAC Set 3)
- 110-148-XXXX Technology use (WAC Set 4)
- 110-148-1545 Inventory of children's and youth's belongings (WAC Set 4)