



**STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

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June 16, 2025

TO: Interested Persons

FROM: Kyler McGee, Foster Care Policy Program Manager

SUBJECT: CONCISE EXPLANATORY STATEMENT (*RCW 34.05.325*)

For rules proposed under notice filed as WSR 25-01-091 on December 13, 2024:

New: WAC 110-50-0165 Definitions for relatives and suitable persons placements, and Chapter 110-149 WAC Licensing requirements for kinship homes.

Amended: WAC 110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care, WAC 110-50-0180 When relative's and suitable person's background checks may exclude them as placement options, and WAC 110-50-0190 Financial supports for relatives and suitable persons caring for children and youth placed by the department.

Repealed: WAC 110-148-1326 Can I get a license to care for a specific child, and what are the requirements?

Also, for rules proposed under notice filed as supplemental WSR 25-09-153 on April 22, 2025:

Amended: WAC 110-150-0230 Child placing agency (CPA) expectations, WAC 110-50-0240 CPA reimbursement, WAC 110-147-1300 What is the purpose of this chapter?, WAC 110-147-1305 What definitions do I need to know to understand this chapter?, WAC 110-147-1340 How long do I have to complete the licensing application process?, WAC 110-147-1345 What are the roles of the department and the CPA?, WAC 110-147-1350 How must I certify a foster home or kinship home for licensing by the department?, WAC 110-147-1360 Who shall have access to my agency?, WAC 110-147-1460 What are the qualifications for case aide staff?, and WAC 110-147-1555 What does the department require for my buildings and property?

REASON FOR ADOPTION: The Licensing Division (LD) is establishing and amending rules regarding the licensing standards for kinship caregivers. This rulemaking also allows the department to issue child-specific licenses to kinship caregivers and eliminate the need to use non-safety exemptions and waivers to license these homes. This will reduce barriers and improve equity for kinship caregivers applying to be licensed. This new chapter and related WAC amendments will also provide greater stability and outcomes for children and youth entering foster care.

SUBSTANTIVE CHANGES MADE SINCE THE RULE WAS PROPOSED: No substantive changes.

CHANGES MADE SINCE THE RULE WAS PROPOSED:

The WAC changes in this section and the “actions taken in response to the comments” section were made for grammatical or clarification purposes. Changes include:

- **110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care**
 - (2)(b)(iii)(A) Sleeping arrangements that are based on their age, development, and specific needs, unless there is a written plan approved by the caseworker to mitigate safety concerns; and if they remain in their home for more than 30 calendar days, they must verify each child under 12 months old has a their own safe sleeping space that meets infant safe sleep requirements, such as
- **110-147-1305 What definitions do I need to know to understand this chapter?**
 - All changes were made to align with the definitions in WAC 110-149-0020.
- **110-149-0020 Definitions**
 - **“Abuse or neglect”** changed from “...means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child or youth-as defined in RCW 26.44.020” to “means the same as defined in RCW 26.44.020”
 - **“Children or youth”** “~~under~~ 18...” was changed to “younger than 18...”
 - **“Firearms”** changed from “...means any devices designed to cause bodily harm or physical damage from which projectiles are launched. These include, but are not limited to, BB guns, pellet guns, air rifles, stun guns, handguns, rifles, shotguns, and archery equipment.” to “...means a weapon or device ~~any devices~~ designed to cause bodily harm or physical damage from which projectiles may be fired by an explosive, such as gunpowder. ~~are launched.~~ These include, but are not limited to, ~~BB guns, pellet guns, air rifles, stun guns,~~ handguns, rifles, shotguns, ~~and archery equipment.~~”
 - Added definition: **“Guardians”** means the same as defined in RCW 13.34.030.
 - **“Household members”** definition changed from “...anyone living in the licensed home or living on the licensed property who has unsupervised access ~~with~~ children or youth” to “...anyone living in the licensed home or living on the licensed property who has unsupervised access to children or youth.”
 - **“Infants”** changed from “~~Children~~ from birth ~~through 11 months of age.~~” to “A child from birth to one year old.”
 - **“Missing children”** changed from “...under the placement, care, and authority of ~~DCYF~~...” to “...under the placement, care, and authority of the department...”
 - **“Other weapons”** weapons removed from “firearms” definition added to this definition (BB guns, pellet guns, air rifles, stun guns, and archery equipment).
 - **“Over-the-counter medications”** changed from “...a drug that can be obtained without a prescription and is not restricted to use by a licensed health care provider, e.g., herbal supplements, vitamins, eye drops, ointments, and pain relievers.” to “means drugs that can be obtained without a prescription, and their use is not restricted by a licensed health care provider. For the purpose of this chapter this includes, but is not limited to, herbal supplements, vitamins, eye drops, ointments, and pain relievers.”
 - **“Property”** or **“premises”** added the following for clarification: “means homes, buildings, and grounds, including those adjacent to the residential property that are owned, rented, or ma

cc: DCYF Rules Coordinator

SUMMARY OF COMMENTS RECEIVED	THE DEPARTMENT CONSIDERED ALL THE COMMENTS. THE ACTIONS TAKEN IN RESPONSE TO THE COMMENTS, OR THE REASONS NO ACTIONS WERE TAKEN, FOLLOW.
<p>110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care.</p> <p>In (2)(a), the commenter asked if part of this assessment seeking input from the child or youth based on their age and developmental capabilities. The commenter suggested that information is added to WAC unless it is addressed in policy.</p>	<p>The department declined this suggestion because it is understood that the assessment is based on all the elements that go into determining the best interest of a child, including age and their developmental capabilities. No changes made.</p>
<p>110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care.</p> <p>In (2)(b)(iii)(A), the commenter suggested the department add a reference to what the requirements of infant safe sleep are, like "meets infant safe sleep requirements as recommended by the American Academy of Pediatrics (AAP).</p>	<p>The department declined this suggestion as the department may use other medical advice regarding safe sleep and does not want to be limited to just one resource. No changes made.</p>
<p>110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care.</p> <p>In (2)(b)(iii)(A), the commenter asked if this means that for 30 days, an infant isn't required to have safe sleep standards? The commenter pointed out that accidents can easily happen over the course of 30 days.</p>	<p>The department agreed that clarity is needed and will make the following edit to resemble the original WAC: If they remain in their home for more than 30 calendar days, they must verify each child under 12 months old has their own safe sleeping space that meets infant safe sleep requirements.</p>
<p>110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care.</p> <p>In (2)(b)(iii)(B) The commenter recommended removing the term “safe” in “safe sleep” due to trademark concerns and instead suggested using “appropriate sleeping space with mattress and bedding.”</p>	<p>The department declined this suggestion because the department is not using the trademarked term. No changes made.</p>

<p>110-50-0170 Determining relatives or suitable persons as placements for children and youth in out-of-home care.</p> <p>In (2)(b)(iii)(B), a commenter asked if this presumes that hallways, living rooms, kitchens, etc. can be used as bedrooms. The commenter also asked if there is a timeline on how long these areas can be considered bedrooms.</p>	<p>The department declined to edit to further clarify in WAC. The intent is to allow for flexibility so that children can remain with kin. The guidance is that each child should have their own safe sleeping space, unless a different plan has been approved by the caseworker.</p>
<p>110-50-0190 Financial supports for relatives and suitable persons caring for children and youth placed by the department.</p> <p>In (4), the commenter suggested that previous verbiage here was clearer. It is not clear who "they" are in the "on their."</p>	<p>The department declined to make a change because the language is clear regarding on whose behalf the department will be a payee. No changes made.</p>
<p>110-149-0050 Accepting placements of additional children or youth.</p> <p>Commenters requested “and” be replaced with “or” at the end of (1) to distinguish the between (2). This allows licensed foster parents to accept non-kin placements OR obtain an updated assessment with additional kinship not identified on current license.</p>	<p>The department declined this suggestion as both sections (1) and (2) are required for non-kin placements. No changes made.</p>
<p>110-149-0070 Training, services, and financial support.</p> <p>Commenters said kinship caregivers should continue to receive essential safety items, including beds, lock boxes, fire ladders, batteries for fire alarms, fire alarms, and assistance with car insurance.</p> <p>Commenters said CPR and first aid training should be made available to kinship caregivers and suggested that, if cost is a barrier, the department should cover the expense upfront.</p> <p>Commenters also said the rule should clearly identify which division of the department is responsible for providing training, services, and financial support, or clarify whether this will be addressed through policy and procedure.</p>	<p>The department declined this suggestion. Concrete goods are addressed in other WAC sections and outside the scope of this rulemaking. No changes made.</p> <p>The department declined this suggestion. Training is not required, only recommended, for kinship caregivers. No changes made.</p> <p>The department declined this suggestion. DCYF rule making writing standards require the use of “the department” rather than specific divisions. No changes made.</p>
<p>110-149-0080 Respite or babysitting for children and youth.</p>	

<p>Commenters requested the term “occasionally” be defined or specified when arranging caregiving breaks as allowed by the law.</p>	<p>The department declined this change. This is a common term and is self-evident for the purposes of this rule. No changes made.</p>
<p>110-149-0090 Paid certified kinship respite provider requirements.</p> <p>Commenters said the current rule requiring certified respite providers to offer care only in the child’s home under WAC 110-148-1605 appears to conflict with the proposed kinship WAC, and they asked whether the current WAC 110-148-1605 would be revised accordingly.</p> <p>Commenters said an appeals process should be available when the licensing division cannot authorize a certified kinship respite provider’s home.</p> <p>They also said additional information is needed regarding the rate of payment for respite caregivers.</p> <p>Commenters said clarification is needed on whether a certified kinship respite provider may live in the same home where the child is placed, such as when a child is placed with an aunt and the grandmother, who resides in the same home but is not the primary caregiver, wishes to serve as the certified respite provider during the aunt’s temporary absence.</p>	<p>The department declined this change. WAC 110-148-1605 is for licensed foster parents and WAC 110-149-0090 is for kinship caregivers, therefore they are not in conflict. No changes made.</p> <p>The department declined this change. There is no appeals process when a kinship respite provider’s home cannot be authorized. No changes made.</p> <p>The respite payment rates caregivers receive are not determined by the licensing division of the department and is therefore outside of the scope of this rule making. No changes made.</p> <p>The department declined this suggestion related to certified respite providers living in the same home as the child. This process is covered in the policies and procedures for employees when working these families. No changes made.</p>
<p>110-149-0100 Providing kinship respite care in licensed kinship homes.</p> <p>Commenters said the wording in the proposed WAC imposes a higher standard than current requirements for kinship caregivers to provide respite, which could create barriers for caregivers and limit opportunities for children to maintain relationships with extended family. Commenters said the WAC should include an option for overcapacity. Commenters said the use of the word “may” in the rule creates confusion and asked whether it contradicts section (1)(b). They said clarification is needed on whether licensed kinship caregivers must be approved for each specific child they provide respite for, or if general licensure for kinship care is sufficient.</p>	<p>The department made the following clarifying changes to address these comments.</p> <p>Licensed kinship caregivers:</p> <p>(1) Must (a) Only provide respite care to other kinship children or youth; and (b) Be licensed for kinship children or youth to receive respite payments; and</p> <p>(2) May request a home study update <u>reassessment</u> of their current license to add kinship children or youth they plan to provide respite for and receive payment.</p>

<p>110-149-0120 Meeting the basic and specific needs of children and youth.</p> <p>Commenters suggested expanding the list of “basic and specific needs” to encompass mental health services and treatment options. They suggested adding pro-social activities such as sports or clubs added.</p>	<p>The department declined this suggestion. Medical care services that encompass mental health services are already provided. If mental health services or pro-social activities are a specific need, they can be outlined in the specified case plan. Pro-social activities are also outlined in prudent parenting portion of the department’s caregiver guide. No changes made.</p>
<p>110-149-0130 Meeting the safety and well-being needs of children and youth.</p> <p>Commenters said clarification is needed on whether hair trims or bang cuts to keep hair out of a child’s eyes are permitted under section (1)(f)(i). They said monitoring procedures should be outlined for section (1)(g)(ii)(A) and asked how caregivers will be held accountable for the listed expectations.</p> <p>Commenters said the rule should prohibit the use of illegal drugs by licensed caregivers and ensure that the use of alcohol and marijuana does not impair their ability to provide safe care.</p> <p>Commenters said the list referenced in section (1)(C) should explicitly include GALs, CASAs, or the child’s attorney.</p>	<p>The department declined commenters’ request for the following changes as these are core requirements of regular and ongoing case management practices:</p> <ul style="list-style-type: none"> • Haircuts in (1)(f)(i). If there is a significant change in appearance, this can be addressed through the caseworker. • (1)(g)(ii)(A)- Religious, spiritual, tribal, and communal environments that are supportive and affirming, will be monitored through case management. • (h) Substance use (legal or illegal) provides complexities. Impairment, safe care, substance use, and treatment would be provided through case management. • Concerns or complaints around foster parents’ receiving written case plans are outside the scope of this WAC and should be referred to the Child Welfare Division. <p>No changes made.</p> <p>The department agreed with the comment and further specified who can provide access and added the following to the list in (c):</p>

	(iv) The child's or youth's Guardian Ad Litem (GAL), Court Appointed Special Advocate (CASA), or attorney.
<p>110-149-0140 Additional requirements for Indian children.</p> <p>Commenters expressed concern that caregivers need further instruction and adequate training on using the baby boards and moss bags outlined in (2)(c)(iv).</p>	<p>The department declined the suggestion. Caregivers are not expected to use these unless they are part of the case plan. The caregiver will work with the caseworker if this is a need specified in the case plan. No changes made.</p>
<p>110-149-0150 Conditions of the home.</p> <p>Commenters said the rule should clarify whether “sanitary inside of the home” is included in home safety standards. They said the language in section (1)(a)(i) should specify whether a fan or air conditioner qualifies as a cooling method.</p> <p>Commenters said formatting from section (1)(c) onward is inconsistent and suggested rewording to emphasize that residence hazards should be “managed or mitigated,” with examples including pests and fire hazards.</p> <p>Commenters requested fleas be removed, as they fall under the broader requirement for homes to be reasonably free from pests. Commenters said requirements for testing toxic mold and lead paint may place undue financial burdens on kinship caregivers, especially in regions like western Washington where such hazards are more common.</p> <p>Commenters said pets that create messes indoors, such as on the floor, should be addressed by requiring immediate cleanup. Commenters also said the phrase “when they are around children” in (1)(a)(iii) regarding pets is unclear and should be revised.</p> <p>Commenters said the term “pests” is broader and more appropriate than limiting language like “insects and rodents,” and that using “reasonably free” reflects practical standards for families. They</p>	<p>The department declined the suggestion to define “cooling” in (1)(a)(i). A definitions is not necessary as there are multiple ways to cool a house down such as an open window or a fan would fall within the term “cooling.” No changes made.</p> <p>The department agreed with this comment and added “mitigating residence hazards...” to (1)(c). However, the department declined adding examples. Changes made can be found at the bottom of this column.</p> <p>The department agreed with the comment and removed fleas, toxic mold, and lead paint from (1)(c)(iii)(C), (D) and (E). Changes made can be found at the bottom of this column.</p> <p>The department agreed and removed “when [pets] are around children” from (1)(a)(iii), but declined adding the requirement for immediate clean up. The department believes caregivers are able to verify their pets remain safe and sanitary. Changes made can be found at the bottom of this column.</p> <p>The department agreed with the comment to replace “insects and rodents” with “pests” in (1)(c)(i). The department declined adding “overwhelming fumes” to the list in (1)(c)(i). Changes made can be found at the bottom of this column.</p>

also said, “overwhelming fumes,” including those from uncontained pet waste such as urine, should be listed explicitly.

Commenters noted that supervision plans may be necessary for certain items identified in section (1)(b)(2) and that the rule should clarify whether kinship caregivers will be required to sign site-specific safety and supervision plans, and if not, should define what constitutes “adequate supervision” based on child-specific needs.

The department declined the requested changes to the form for site-specific supervision plans. The department follows agency form requirements. No changes made.

The following clarifying changes to the proposed rule text are based on the comments received above:

(1) Caregivers must make reasonable efforts for their home to meet the following conditions for, and be based on the developmental needs of, the children and youth placed in their care including, but not limited to:

(a) Having:

(i) A method for heating and cooling;
(ii) Access to electricity and lighting, safe drinking water, and toilet and bathing facilities; and

(iii) Safe and sanitary pets ~~when they are around children and youth, if applicable; and~~

(b) Verifying safe outdoor spaces ~~that are~~ when accessible to children or youth ~~are safe~~. This includes, but is not limited to, providing adequate supervision for the following:

(i) Trampolines;

(ii) Bodies of water;

(iii) Pools;

(iv) Hot tubs; and

(v) Fire pits; and

(c) Mitigating residence hazards including, but not limited to being free from:

(i) ~~Insect and rodent~~ Pest infestation;

(ii) Fire hazards, including exposed wires or flammable materials within three feet of a fire source; and

(iii) Other safety hazards that may be accessible to children or youth, including:

(A) Overflowing garbage;

(B) Uncontained pet waste; and

~~(C) Fleas;~~

~~(D) Toxic mold;~~

~~(E) Peeling lead paint; or~~

~~(F)(C)~~ Excessive debris.

(2) The department will make reasonable efforts to assist caregivers in acquiring necessary items to verify and maintain safe and sanitary conditions of

	the home and property, if these conditions are not met.
<p>110-149-0160 Sleeping arrangements.</p> <p>Commenters said the department should provide training on appropriate sleep arrangements for children in care. They said the waterproof requirement for beds should remain in the rule.</p> <p>Commenters suggested adding a resource in subsection (1) for the use of Native American cradle boards and moss bags.</p> <p>Commenters said guidance is needed on whether children are permitted to share sleeping spaces with adults, including caregivers. They recommended removing the term “safe” from “safe sleep” in subsection (1) due to trademark concerns and instead using “appropriate sleeping space with mattress and bedding.”</p> <p>Commenters said the language requiring children over 12 months to have their own sleeping space unless otherwise approved by the caseworker is too vague and opens the door to inconsistent practices. They said it is unclear what kinds of “other arrangements” are considered acceptable and expressed concern that approval by a child’s social worker may not always ensure access to proper sleep equipment.</p> <p>Commenters said that while some flexibility in defining a “bed” is appropriate, co-sleeping between children and adults, including infants, should remain prohibited. They said caseworkers do not consistently ensure that children have dedicated beds or sleep spaces and recommended using a “may” statement for exceptions, provided there is strong oversight and assessment.</p>	<p>The department declined to add resources within the WAC regarding shared sleeping arrangements and spaces. These resources are provided at the time of licensure and are not required of the caregiver. The department declined the suggestion to change waterproof requirement for beds. This is something that is assessed based on a specific need of the child. No changes made.</p> <p>The department declined to add training resource citation in WAC for use of Native American cradle boards and moss bags. Caregivers are not expected to use these unless they are part of the case plan. No changes made.</p> <p>The department declined to remove the word “safe” from “safe sleep.” The department is not using the trademarked term. No changes made.</p> <p>The department declined the suggestions regarding changes to subsection (2). The intent is to allow for flexibility so that children can remain with kin. The guidance is that each child should have their own safe sleeping space, unless a different plan has been approved by the caseworker. No changes made.</p> <p>The department declined the suggestions regarding changes to subsection (2). The intent is to allow for flexibility so that children can remain with kin. The guidance is that each child should have their own safe sleeping space, unless a different plan has been approved by the caseworker. No changes made.</p>

<p>Commenters said adult co-sleeping with infants should be explicitly prohibited in the WAC. Finally, they said referencing an authoritative source, such as the American Academy of Pediatrics (AAP) or the Centers for Disease Control and Prevention (CDC), would be helpful unless infant sleep safety resources are already provided to caregivers at placement.</p>	<p>The department declined to add citation to resource on prohibiting adult co-sleeping with infants as safe sleep is covered in more detail in policies and procedures.</p>
<p>110-149-0170 Medical consent.</p> <p>Commenters said the term “contact” is unclear and requested clarification on its intended meaning in the rule. They said it is important to know whether caregivers are required simply to inform the caseworker that items (i) through (iv) are needed, or if they must obtain permission before proceeding to schedule. Commenters said “notify” may be a more precise and appropriate term than “contact” to reduce ambiguity and ensure consistent understanding and application of the requirement.</p>	<p>The department declined this change. This is a common term and is self-evident for the purposes of this rule. No changes made.</p>
<p>110-149-0180 Medication administration and accessibility.</p> <p>Commenters asked for clarification on whether a kinship caregiver is prohibited from allowing a youth, such as a 16-year-old relative placed in their home, to carry their own over-the-counter medication like Tylenol without written approval from both a medical provider and the caseworker.</p> <p>Commenters asked who is responsible for granting approval [to provide medication] in (2)(b) and whether that approval must be provided in writing or if verbal approval is sufficient.</p>	<p>The department declined to change the text. This comment is out of the scope of this WAC, the intent of this WAC section is to allow responsible adults such as babysitters, respite providers, schools, or other responsible adults to provide medication. No changes made.</p>
<p>110-149-0190 Storing medications, substances, toxic products, firearms, and other weapons.</p> <p>Commenters said the WAC language regarding the storage of medication and weapons should align with the Community Care WAC, as both directly impact child safety and consistency would support clearer enforcement.</p> <p>Commenters said the term “not locked” in section (1)(b) needs clarification. They said the term “inaccessible” in section (1)(c) is subjective and should be defined more precisely—such as</p>	<p>The department declined to align with the Community Care WACs. Kinship care has licensing requirements for specific children and specific needs. Community homes must prepare for any child, regardless of need, resulting in a higher standard. No changes made.</p> <p>The department also declined the suggestion to change subsection (1)(c). The term locked includes inaccessible. The term inaccessible allows for broader accommodation with respect to the specific needs of the child. No changes made.</p>

<p>specifying whether it means locked, out of reach, or out of sight.</p> <p>Commenters also said that the current Community Care WAC includes specific standards for storing firearms, such as requiring trigger guards when stored in easily breakable containers, and they recommended incorporating similar guidance in this WAC due to the high risk of firearm-related injuries among children.</p> <p>Commenters said the phrase “other drug paraphernalia” in section (1)(b)(iii)(D) carries problematic connotations and could be interpreted as allowing illicit drug use in licensed homes. They said drug paraphernalia should be clearly tied to nicotine and marijuana use only and recommended updating the language accordingly. Commenters said paraphernalia should be explicitly mentioned alongside marijuana and nicotine to avoid ambiguity.</p> <p>Commenters said regarding the storage of medications and substances that while inhalers and EpiPens are clearly “as needed,” naloxone should be considered standard for all homes and questioned whether the current language implies optional possession.</p>	<p>The department declined to align with the Community Care WACs. No changes made.</p> <p>The department agreed to change language as follows: (1)(b)(iii)(D) Other “<u>drugs or other paraphernalia</u>”.</p> <p>The department declined the suggested change to subsection (1)(b). Life-saving medication does not need to be locked.</p>
<p>110-149-0230 Children's and youth's personal belongings.</p> <p>Commenters said the requirement to secure a youth’s belongings for at least 30 calendar days after their departure should be clearly stated as a separate provision, since it is not currently presented as a subsection of item (2) and may otherwise be overlooked or misinterpreted</p>	<p>The department agreed to add the suggested language in response to the commenters’ suggestion: (3) “Secure the children's or youth's belongings for at least 30 calendar days <u>from their departure.</u>”</p>
<p>110-149-0250 Transportation.</p> <p>Commenters said clarification is needed on whether section (2)(a) requires kinship caregivers to provide proof of car insurance and, if so, whether the department will offer assistance in securing coverage for those who may need financial support.</p>	<p>The department declined the suggested change and will not require proof of insurance. The department will assist, on a case-by-case basis, in obtaining insurance coverage.</p>

<p>Commenters also said it should be specified whether caregivers are expected to simply follow all state laws or if they must actively provide a valid driver's license to the Licensing Division (LD) or Child Placing Agency (CPA) as part of the documentation process.</p>	<p>The department agreed to add "traffic" to subsection (2)(a) to clarify requirements.</p>
<p>110-149-0260 Emergency preparedness.</p> <p>Commenters said the language should specify "<i>working</i> smoke detectors" to align with the requirement for carbon monoxide detectors to be operational.</p> <p>Commenters said the rule should include the phrase "outside each sleeping area" for greater clarity and recommended consulting building code language for consistency.</p> <p>Commenters said the word "verify" should be replaced with "ensuring," as licensors can confirm safety conditions during inspections, but caregivers must be responsible for maintaining safe escape access on an ongoing basis.</p> <p>Commenters also said clarification is needed on whether a fire ladder will be required in two-story homes and who will be responsible for purchasing one if the kinship caregiver cannot afford it.</p> <p>Finally, commenters said clarification is needed on whether CPAs will be required to provide safety resources or if the department will assume responsibility for covering those costs.</p>	<p>The department agreed to add "<u>Working</u> smoke detectors inside and outside of all sleeping areas, on each story, in all play areas, and in the basement of the home".</p> <p>The department declined commenters proposed addition of "outside each sleeping areas." The current term "all" provides more clarity. No changes made.</p> <p>The department declined the commenters proposal to change the term "verifying" to "ensuring." The term "ensure" conflicts with the department's WAC standards as it cannot be enforced. No changes made.</p> <p>The department agreed to add "An unblocked exit to the outside from each child's or youth's sleeping space that is large enough for emergency personnel wearing rescue gear to access, <u>unless a supervision plan is approved by LD administrator.</u> to (1)(e)."</p> <p>The department declined any change. Section 0350(2)(a) of this chapter says the department will assist caregivers with necessary items to meet licensing requirements, not CPAs. Section 0350. No changes made.</p>
<p>110-149-0280 Physical restraint.</p> <p>Commenters suggested "reasonable" be removed, as it is subjective to the individual. From a child safety perspective, for example, "reasonable" is open to interpretation and could result in restraints that are harmful to children or youth. I think examples of what "unreasonable" restraints are should be included instead. For example, "If restraint is necessary, it should not restrict</p>	<p>The department declined commenters' proposal to further define reasonable. Unreasonable examples such as "restrictive breathing" are already addressed in section 0270 of this WAC chapter. No changes made.</p>

<p>breathing, inflict pain, or cause injury that is more than temporary".</p>	
<p>110-149-0290 Reporting incidents.</p> <p>Commenters said the term “immediately” in section (1) should be clarified with a specific timeframe to avoid subjective interpretation, suggesting language such as “immediately and no later than 12 hours” to emphasize urgency while providing practical guidance.</p> <p>Commenters said caseworkers from DCYF, CPAs, and tribal agencies should be explicitly included in notification requirements, noting that CPAs often are not informed promptly by licensors and should receive direct reports from caregivers, especially due to their own oversight responsibilities.</p> <p>Commenters said the requirement in section (2)(b) to call Intake should be reconsidered, as kinship caregivers may feel hesitant to call intake due to fear of increased scrutiny or distrust of the child welfare system. They suggested that documentation and crisis response goals might be better met by contacting the child’s caseworker directly, even after hours.</p> <p>Commenters said the “or” in section (2)(b) should be changed to “and” to ensure that caseworkers across agencies are notified, particularly since CPAs may have after-hours crisis support and need information to update safety or supervision plans as needed.</p> <p>Commenters said including RCW 9A.44.010 as a reference for defining “sexual contact” would assist caregivers in determining when to report such incidents.</p> <p>Commenters said the phrasing related to “not developmentally appropriate” is confusing, especially with the use of a double negative, and suggested clearer language to specify reporting expectations regarding age and developmental differences between children involved.</p> <p>The same commenter also said the overall structure of the reporting requirements should be reorganized to align with Licensing Division (LD), Child</p>	<p>The department declined the suggestion to replace the term “immediately” in subsection (1) with a specific timeframe. The term “immediately” is used in RCW’s and the WAC should use consistent terminology. No changes made.</p> <p>The department declined the suggestion to add caseworkers from the department, CPAs, and tribal agencies. The department does not want to require caregivers to call two people to report incidents when calling intake already triggers notifications through FamLink. No changes made.</p> <p>The department declined this suggestion to add caseworkers from the department, CPAs, and tribal agencies. The department does not want to require caregivers to call two people to report incidents when calling intake already triggers notifications through FamLink. No changes made.</p> <p>The department agreed to change “or” to “and” in section (2)(b). Changes made can be found in the text revisions at the end of this column.</p> <p>The department agreed to add a reference to RCW 9A.44.010 to define sexual contact. Changes made can be found in the text revisions at the end of this column.</p> <p>The department agreed. Text was changed to remove the double negative and clarify reporting expectations regarding developmentally appropriate sexual contact. Changes made can be found in the text revisions at the end of this column.</p> <p>The department agreed. Moved sexual contact to reporting incidence within 24 hours. The department declined to move serious illness or</p>

<p>Protective Services (CPS), and Critical Incident Reporting (CIR) protocols. Specifically, they recommended that serious injuries and items in sections (2)(b)(ii) through (iv) be moved to section (1), which involves reporting to intake.</p> <p>Lastly, the same commenter said child-on-child sexual touching and all Administrative Incident Response System (AIRS)-reportable incidents should require a report to intake, emphasizing that kinship caregivers, as licensed providers, must follow the same intake reporting standards.</p>	<p>injury since these are not a part of RCW reporting requirements. Changes made can be found in the text revisions at the end of this column.</p> <p>The department declined this suggestion. Department employees report using AIRS, not caregivers. No changes made.</p> <p>The following changes to the text were made in response to the above suggestions:</p> <p>“Caregivers must report the following incidents involving children and youth in their care within these required time frames:</p> <p>(1) Immediately to the department intake when the incident is a:</p> <p>(a) Death or near death; or</p> <p>(b) Suspected or disclosed abuse or neglect physical or sexual abuse, neglect, or exploitation of a child or youth, per chapter, as outlined in 26.44.020 <u>abuse or neglect, as outlined in 26.44.020</u> RCW; and</p> <p>(c) <u>Sexual contact between two or more children or youth, per RCW 9A.44.010, that is not:</u></p> <p><u>(i) Consensual; and</u></p> <p><u>(ii) Developmentally appropriate, including not between preschool or teenage peers; and</u></p> <p>(2) As soon as possible, but within:</p> <p>(a) Twenty-four hours, to the children's or youth's caseworkers, any behavior that resulted in a physical restraint; and</p> <p>(b) Forty-eight hours, to the child's or youth's caseworker or department intake if the child's or youth's caseworker is not available, or it is after normal business hours, for any of the following incidents:</p> <p>(i) Serious illness or injury, or need for psychiatric care;</p> <p>(ii) Sexual contact between two or more children or youth that is not:</p> <p>(A) Consensual; or</p> <p>(B) Not developmentally appropriate according to the American Academy of Pediatrics, e.g., not between preschool or teenage peers;</p>
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	<p>(iii) <u>(ii)</u> Disclosed suicidal or homicidal thoughts, gestures, or attempts;</p> <p>(iv) <u>(iii)</u> Any medication given or consumed incorrectly; or</p> <p>(v) <u>(iv)</u> Any treatment by a medical professional for emergency medical or emergency psychiatric care.</p>
<p>110-149-0310 Reporting changes in the home.</p> <p>Commenters said clarification is needed for section (1)(b)(v)(A), specifically whether caregivers are required to report a breakup with a significant other even if that person does not reside in the home. They said it is unclear how broadly the reporting requirement applies to changes in personal relationships.</p> <p>Commenters also said the use of the term “immediately” in section (1)(b) is subjective and suggested adding a defined timeframe such as “immediately and no later than 24 hours” to ensure consistent interpretation and compliance.</p>	<p>The department declined commenter’s proposal to further define changes in a caregiver’s spouse or partner as identified in (1)(b)(v)(A). The WAC is applicable to changes in caregiver relationships as they pertain to those residing in the home. Spousal and partner relationships outside of the home would not be applicable under this section. No changes made.</p> <p>The department declined commenter’s proposal to provide specifics on the use of the term “immediately” due to unique or unforeseen circumstances that may limit someone’s ability to reach a short set timeframe. No changes made,</p>
<p>110-149-0320 Issuing initial licenses.</p> <p>Commenter suggested removal of (1)(c), that the reissue of initial licenses does not need to be in WAC.</p> <p>Commenters asked if the WAC can call out that a child placed out of home under a Voluntary Placement Agreement (VPA) is not eligible for placement in an initially licensed home.</p> <p>Commenters suggested adding a timeline to subsection (2) outlining the department’s responsibility to inform caregivers about initial licenses.</p> <p>Commenters also said the language in section (1)(b) regarding financial support for caregivers completing a home study needs further explanation, including what type of support would be offered and whether the department would be obligated to continue providing it if the home study is denied or results in partial approval.</p>	<p>The department disagreed and declined to remove section (1)(c) as it is required to be in WAC. No changes made.</p> <p>The department will reach out directly to the commenter to answer the question. No changes made.</p> <p>The department declined to add a timeline to (2). The timeline is written in policy. No changes made.</p> <p>The WAC says “may” and each situation should be assessed on a case-by-case basis. The WAC is talking about after the initial license has been issued and the family is actively working towards their full kinship license. The WAC is not talking about when an application for licensure is denied. The section would not consider a case when the department is issuing a full kinship license. The individual who is unable to clear a background check would need to</p>

<p>Commenters suggested the following underlined language change to (1)(a)(i):</p> <p>(1) The department may: (a) Issue initial licenses: (i) To caregivers prior to their completed home study to receive <u>basic</u> foster care maintenance payments to assist in the care of specific children or youth; and</p>	<p>move out of the household and also allow caregivers to receive financial help during that time. No changes made.</p> <p>The department agreed and made the following change to (1)(a)(i):</p> <p>(1) The department may: (a) Issue initial licenses: (i) To caregivers prior to their completed home study to receive <u>basic</u> foster care maintenance payments to assist in the care of specific children or youth; and</p>
<p>110-149-0330 Kinship licensing process.</p> <p>Commenters said the term “rare circumstances” in section (1)(a)(iii)(C) should be clearly defined to avoid inconsistent interpretation and ensure transparency in decision-making. They said the reference to the portal in section (1)(a)(i)(A) may not apply to all caregivers, particularly those with limited English proficiency (LEP) or those using paper-based applications, and recommended language that is inclusive of all application methods.</p>	<p>The department declined the suggestion to define the qualifications for a rare circumstance. What qualifies as a rare circumstance with respect to additional assessments is based on the safety and specific needs of the children. These are not done for every caregiver, only when significant concern arises. No changes made.</p> <p>The department acknowledges the concerns of commenters regarding portal access. Although the families may not have access to WA CAP, the licensor is still working within the portal to issue the license for these families, and the documents for those families do live within the portal. No changes made.</p>
<p>110-149-0370 Kinship caregivers having multiple licenses, certifications, or authorizations.</p> <p>Commenters expressed concern that the proposed WAC as written could discriminate against individuals who are “single,” do not reside with another adult, or who reside with another adult who is not interested in becoming licensed.</p>	<p>The department agreed and has added “kinship” to (2)(b)(ii) to clarify requirements.</p>