



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

1500 Jefferson Street, SE • P.O. Box 40975 • Olympia WA 98504-0975

April 28, 2025

TO: Interested Persons

FROM: Jordan Perin, Extended Foster Care Program Manager

SUBJECT: CONCISE EXPLANATORY STATEMENT (*RCW 34.05.325*)

For rules proposed under notice filed as WSR 25-05-072 on February 18, 2025:

New: WAC 110-90-0020

Amended: WAC 110-90-0010; WAC 110-90-0020; WAC 110-90-0040; WAC 110-90-0050; WAC 110-90-0060; WAC 110-90-0070; WAC 110-90-0080; and WAC 110-90-0090

Repealed:

WAC 110-90-0100; WAC 110-90-0110; WAC 110-90-0120; WAC 110-90-0130; WAC 110-90-0140; WAC 110-90-0150; WAC 110-90-0160; WAC 110-90-0170; WAC 110-90-0180; WAC 110-90-0190; and WAC 110-90-0200.

REASON FOR ADOPTION: Chapter 110-90 WAC Extended Foster Care (EFC). The EFC Program provides youth who have or are aging out of foster care the ability to continue receiving placement and other services through DCYF.

The Child Welfare Division is making changes to the Extended Foster Care (EFC) Program WACs in chapter 110-90 WAC and other related rules as required by Senate Bill (SB) 5908. SB 5908 took effect June 6, 2024, under emergency status and reduces the eligibility requirements for youth who are dependent at age 18 to participate in the EFC program. The legislative changes reduce systemic barriers to youth who are dependent at age 18 and voluntarily enroll in the EFC program by eliminating the federal eligibility requirements. Youth remain eligible for the EFC program between the ages of 18 to 21.

CHANGES MADE SINCE THE RULE WAS PROPOSED:

- WAC 110-90-0020 is amended to read “The EFC program was established to prevent homelessness and provide an opportunity for youth who are dependent at age 18 to voluntarily agree to continue receiving foster care services”
- WAC 110-90-0070 (1) is amended to include “A foster care placement or supervised independent living (SIL) placement.”
- WAC 110-90-0050 (1) Removed the term “participation” to align with terms in RCW 74.13.336 (3).
- WAC 110-90-0080 (1) is amended to read “Considered youth for the purposes of the dependency but have the legal status and legal rights of an adult.”

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.
Public comment received from two constituents with identical language. Sections outlined below address those comments.	
<p>WAC 110-90-0020 Purpose</p> <ul style="list-style-type: none"> The current articulation of the purpose of the Extended Foster Care (EFC) Program fails to identify the state’s obligations to this group of young people. Sub (2): Young people are entitled to more than “assistance” with meeting their basic needs. Rather, the state has a responsibility to ensure that the basic needs of young people in the program are met. The current articulation of purpose is improperly limited to “services” when the program is intended to provide young people with <i>supports</i>. <ul style="list-style-type: none"> A 2023 report, commissioned by the legislature and prepared by Partners for Our Children (available at: https://partnersforourchildren.org/extended-foster-care/), encouraged DCYF to develop a practice model for Extended Foster Care that encourages relational permanency and assistance in building natural social supports. Yet, the purpose of the program as defined in the proposed WAC describes the program merely as an opportunity to continue receiving services. This purpose section fails to address the suggestions contained in the Partners for Our Children Systems Assessment that the program focus on supporting “interdependence” rather than “independence” of young people. WAC 110-90-0020 should include “to prevent homelessness for youth who turn 18 while in foster care and/or exit extended foster care.” <ul style="list-style-type: none"> The first paragraph of the intent section of Senate Bill 5908 states: “The legislature recognizes that the extended foster care program strives to help hundreds of young Washingtonians in foster care prepare for adulthood and to prevent them from experiencing homelessness.” <u>See also</u>, SB 6560 (now codified at RCW 43.330.720). Contrast the current stated purpose of the program with the work undertaken by Sam Martin, who engaged lived experts as part of the legislatively commissioned P4C report process. That group developed a mission and vision statement for the EFC program: <ul style="list-style-type: none"> <i>Mission</i>: Building trust and providing the tools for success through supportive and positive relationships, focusing on the safety and value of our individual young people. <i>Vision</i>: Empower young adults to achieve their personal goals - through positive support, utilizing available resources enabling young adults to live independent and fulfilling lives. 	<p>WAC 110-90-0020 Purpose: Disagree. No changes will be made.</p> <ul style="list-style-type: none"> WAC 110-90-0010 includes the department’s legal requirements. WAC 110-90-0020 is about the purpose of the chapter. It includes that the EFC Program is a voluntary program to support foster youth through providing access to services, including their basic needs, they would not otherwise have after they leave foster care. Youth participating in the EFC program are considered legal adults therefore DCYF cannot “ensure that the basic needs of young people in the program are met”. These youth have autonomy and can make the decision as to whether they will accept DCYF’s assistance, referral to services, and support. By providing these youth with the access to DCYF’s support and services, the youth who wishes to participate in EFC are working toward “independence” through “interdependence” with the support of their caseworker until they voluntarily leave the EFC program or reach the age of 21. Agree. The addition of “to prevent homelessness” has been added to WAC 110-90-0020. DCYF convened a co-design group of lived experts who provided feedback during the drafting of WAC 110-90 Chapter revisions. Their input was included in the proposed written WACs.

<ul style="list-style-type: none"> The mission and vision drafted by lived experts should be the starting point for the WAC 110-90-0020 definition of the purpose of the program. 	
<p>WAC 110-90-0025 Information about the EFC program.</p> <ul style="list-style-type: none"> This section of the Emergency WAC implements Senate Bill 5908 (now RCW 74.13.031(12)(a)) which requires: “The department shall develop policies and procedures to ensure that dependent youth aged 15 and older are informed of the extended foster care program.” This section from the Emergency WACs was not included in the agency’s proposed permanent WAC. The Department must comply with the statute. 	<p>WAC 110-90-0025: Disagree. No changes made.</p> <ul style="list-style-type: none"> The language being referred to by the commentor is not required to be in WAC.
<p>WAC 110-90-0070 Youths’ rights in the EFC program.</p> <ul style="list-style-type: none"> (1) should be amended to: “A foster care <u>or supervised independent living (SIL) placement.</u>” This would be consistent with 110-90-0020 (1). This WAC should be amended to add (6) <u>Receive assistance in establishing a bank account, in learning financial literacy, and in completing any procedures necessary to receive a SIL subsidy.</u> It is DCYF’s responsibility (pursuant to RCW 74.13.336(4)) to ensure that youth receive their first SIL payment within one month. It is a statutory right of the youth that must be included in this section. Further, DCYF should be actively engaged with young people to ensure that they are able to comply. 	<p>WAC 110-90-0070:</p> <ul style="list-style-type: none"> Agree with first bullet and the following changes will be made: <ul style="list-style-type: none"> WAC 110-90-0070 is revised to include “<u>or supervised independent living (SIL) placement.</u>” Disagree. DCYF is addressing the comments expressed by the commentors through policy and procedure. In addition, youth who voluntarily agree to participate in the EFC program have access to Independent Living Services which may assist the youth in accessing a bank account in addition to support from their caseworker. Additionally, DCYF has established a website to assist youth that provides information to address potential needs as they enter adulthood. This website will continue to be updated as on-going discussions with lived experts continue. The Foster Youth Services website can be found at www.dcyf.wa.gov/services/foster-youth. No changes will be made. Disagree. DCYF is addressing the comments expressed by the commentors regarding SIL payments through policy and procedure as that is an internal process. No changes will be made.
<p>WAC 110-90-0080 EFC youth and their legal rights as an adult</p> <ul style="list-style-type: none"> (1) should be amended to delete that youth “must comply with participation agreement required in WAC 110-90-0050” as this is contrary to Senate Bill 5908 (now RCW 74.13.031(12)(d)), which states: “The department shall not create additional eligibility requirements for extended foster care.” Furthermore, compliance with a participation agreement does not relate to EFC youth’s legal rights as an adult. Sub(2) should be amended as follows: “(1) Considered youth for the purposes of the dependency but have the legal status and legal rights of an adult.” 	<p>WAC 110-90-0080: No changes will be made.</p> <ul style="list-style-type: none"> Disagree. RCW 74.13.336 (3) states, “A youth becomes eligible for extended foster care services as of the date the youth either signs an <u>extended foster care agreement or voluntary placement agreement</u> or turns 18, whichever occurs later.” This WAC does not create any additional eligibility requirements as it is a part of the statute. No changes will be made. Agree. The term “participation” has been removed from 110-90-0050(1) to align with terms in RCW 74.13.336 (3). Agree. Changes have been made to reflect the commenters suggestion.
<p>WACs must require DCYF to provide eligible youth the first supervised independent living subsidy within one</p>	<p>SIL payment within one month: Disagree. No changes will be made.</p>

month.

- | | |
|---|---|
| <ul style="list-style-type: none">• RCW 74.13.336(4) now states: “(4) A youth who is not in a licensed foster care placement upon signing an extended foster care agreement or voluntary placement agreement, and who has turned 18 years old, shall receive their first supervised independent living subsidy within one month.”• This was included in SB 5908 because prior to the legislation, there were significant barriers and delays with EFC youth receiving payments through DCYF’s very cumbersome payment system. Youth were lucky to start receiving payments within two months of becoming eligible. During this time, they were left with no financial assistance in meeting their basic needs.• The proposed WACs are silent on this very significant change for DCYF. The WACs should spell out DCYF’s responsibilities for ensuring the paperwork is completed, the youth has access to email or mail to receive the monthly invoices, has assistance claiming the invoices, and has access to banking to receive the checks. | <ul style="list-style-type: none">• The requirements for processing payments is an internal process and addressed in policy and procedures.• DCYF can only assist a youth participating in the EFC program with setting up a bank account with caseworker’s assistance or through Independent Living Services but cannot legally set up an account on behalf of the youth. |
|---|---|

cc: DCYF Rules Coordinator