



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Children's Administration

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) October 10, 2014

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The department is filing an extension to Emergency Rule 14-13-050 which is expiring on 10/10/2014. The Prudent Parenting legislation, ESB 6479, allows foster children placed with caregivers in foster homes and facilities to participate in normal childhood activities based on a reasonable and prudent parent standard. The department will allow caregivers to approve in-state overnight travel for less than 72 hours (including travel to bordering counties in Idaho and Oregon) and a child's participation in routine activities, without permission from the social worker.

The Division of Licensed Resources filed a CR102 for the permanent adoption of these rules with the DSHS Rules and Policy Assistance Unit on August 20, 2014. A Public Hearing will be held on October 21, 2014. Notices for the public hearing went out to foster parents, providers and interested stakeholders on September 16, 2014. Following the public hearing, these rules will be reviewed by the DSHS Secretary. DLR anticipates an effective date prior to the end of 2014.

Citation of existing rules affected by this order:

Repealed:
 Amended: 388-148-0455, 388-148-0550
 Suspended:

Statutory authority for adoption: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031

Other authority : ESB 6479

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

Washington enacted a law providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard. The reasonable and prudent parent standard means the standard of care used by a caregiver in determining whether to allow a child in their care to participate in extracurricular, enrichment, and social activities, without social worker approval. This standard is characterized by careful and thoughtful parental decision making that is intended to maintain a child's health, safety, and best interest while encouraging the child's emotional and developmental growth.

Date adopted:

September 29, 2014

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 06, 2014

TIME: 11:50 AM

WSR 14-21-032

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>2</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 04-08-073, filed 4/5/04, effective 5/6/04)

WAC 388-148-0455 Do I need permission to travel on an overnight trip or out-of-state with my foster child? You do not need permission to travel in-state with a foster child for a period of time less than seventy-two hours. (Travel to bordering counties in Idaho and Oregon is also considered in-state travel.) Contact the child's ~~((social))~~ DCFS worker with the agency having legal custody of the child for written permission prior to ~~((overnight trips,))~~ out-of-state, or out-of-country travel, or in-state travel over seventy-two hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0550 May my foster children participate in routine activities without a licensed provider supervising the activity? ~~((Contact the child's social))~~ You do not need DCFS worker ~~((for pri-
or))~~ approval for your foster child's participation in routine activities without a licensed provider supervising the activity, such as clubs, social outings with classmates or friends. You may approve normal childhood activities using a reasonable and prudent parenting standard. Overnight stays over seventy-two hours requires DCFS worker approval. Any activities requiring travel must comply with WAC 388-148-0455.

~~((Note: The social worker with the agency having legal custody of the child is the contact person.))~~