



# RULE-MAKING ORDER

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

**Agency:** DSHS, Children's Administration

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 7/23/17

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

- Yes
  - No
- If Yes, explain:

**Purpose:** The Washington state legislature modified RCW 74.13.031 by expanding the age youth can re-enroll into the Extended Foster Care (EFC) program. The age has been expanded from 19 years old to 21 years old. The following WACs are being revised to align with legislation and other edits to clarify existing language.

The following EFC WACs are being revised to align with this change:

388-25-0506 Who is eligible for extended foster care?

388-25-0528 How does a youth agree to participate in the extended foster care program?

388-25-0534 If an extended foster care participant loses his or her eligibility before he or she turns nineteen, can he or she reapply for extended foster care?

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 388-25-0506, 388-25-0528, 388-25-0534

Suspended:

**Statutory authority for adoption:**

RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416; 13.34.030.

**Other authority :**

**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:

To align with changes to state legislation. This change goes into effect July 23, 2017.

**Date adopted:** July 21, 2017

**NAME (TYPE OR PRINT)**

Katherine Iyall Vasquez

**SIGNATURE**

**TITLE**

DSHS Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 21, 2017**

**TIME: 12:38 PM**

**WSR 17-16-027**

(COMPLETE REVERSE SIDE)

**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:**

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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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

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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 16-14-065, filed 6/30/16, effective 7/31/16)

**WAC 388-25-0506 Who is eligible for extended foster care?** (1)

To be eligible for the extended foster care program, a youth, on his or her eighteenth birthday must be dependent under chapter 13.34 RCW, placed in foster care as defined in WAC 388-25-0508 by CA, and:

(a) Enrolled in school as described in WAC 388-25-0512 ~~((in a high school or high school equivalency program))~~;

~~(b) ((Enrolled as described in WAC 388-25-0512 in a post-secondary academic or vocational education program;~~

~~(e))~~ Have applied for ((and)), or can demonstrate intent to timely enroll in a post-secondary academic or vocational education program ~~((+))~~ as described in WAC 388-25-0514 ~~((+))~~; ~~((e~~

~~(d))~~ (c) Participating in a program or activity designed to promote employment or remove barriers to employment as described in WAC 388-25-0515;

~~((e))~~ (d) Engaged in employment for eighty hours or more per month; ~~((e~~

~~(f))~~ (e) Unable to engage in subsection (1)(a) through ((e)) (d) of this section due a documented medical condition((-)) as described in WAC 388-25-0519; or

~~((2) Have))~~ (f) Did not enroll in the extended foster care program and;

(i) Had their dependency dismissed on their eighteenth birthday ((as the youth did not meet any of the criteria found in subsections (1)(a) through (f) of this section, or did not agree to participate in the program and the youth));

(ii) Is requesting to ((participate)) enroll in the extended foster care program through a voluntary placement agreement (VPA) prior to reaching the age of nineteen((-)); and

(iii) Meets one of the criteria found in subsections (1)(a) through (e) of this section.

(2) If the youth was in the extended foster care program but then unenrolled or lost their eligibility, the youth may reenroll in the extended foster care program through a VPA one time before the age of twenty-one. The youth must meet one of the criteria in subsections (1)(a) through ((f)) (e) when requesting to ((participate)) reenroll in the extended foster care program.

AMENDATORY SECTION (Amending WSR 16-06-044, filed 2/24/16, effective 3/26/16)

**WAC 388-25-0528 How does a youth agree to participate in the extended foster care program?** (1) An eligible dependent youth can agree to participate by:

(a) Signing an extended foster care agreement; or

(b) For developmentally disabled youth, remaining in the foster care placement and continuing in an appropriate educational program.

(2) An eligible nondependent youth who did not elect to participate in the program on their eighteenth birthday can agree to participate by:

(a) Signing a voluntary placement agreement (VPA) before reaching age nineteen; or

(b) Establishing a nonminor dependency before reaching age nineteen if the department denied entry into the program.

(3) An eligible nondependent youth requesting to reenter the program may agree to participate by signing a VPA prior to reaching age twenty-one as long as the youth has not previously entered into a VPA for extended foster care services.

(4) In order to continue receiving extended foster care services after entering into a ~~((voluntary placement agreement))~~ VPA with the department, the youth must agree to the entry of an order of dependency within one hundred eighty days of the date that the youth is placed in foster care pursuant to a ~~((voluntary placement agreement))~~ VPA.

AMENDATORY SECTION (Amending WSR 14-13-051, filed 6/12/14, effective 7/13/14)

**WAC 388-25-0534** **If an extended foster care participant loses his or her eligibility before he or she turns ~~((nineteen))~~ twenty-one, ~~((can))~~ may he or she reapply for extended foster care? (1) Yes. If a youth was ~~((receeiving))~~ receiving extended foster care ~~((services))~~ services and lost eligibility, he or she may reapply as long as the youth:**

~~((1))~~ The youth) (a) Has not turned ~~((nineteen))~~ twenty-one; ~~((and~~

~~((2))~~ The youth) (b) Meets one of the conditions for eligibility in WAC ~~((388-25-0506))~~ 388-25-0506(1)(a) through (e); and

~~((3))~~ The youth) (c) Has not entered into a prior voluntary placement agreement with the department for the purposes of participating in the extended foster care program.

(2) Youth may reenter the extended foster care program one time between the ages of eighteen to twenty-one.