



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 07, 2018

TIME: 5:16 PM

WSR 18-13-017

**Agency:** Department of Social and Health Services, Children's Administration

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) July 1, 2018

**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 amending chapter 388-25 WAC "Child Welfare Services—Foster Care" in order to align with recent changes in legislation regarding the eligibility requirements for the Extended Foster Care program. These changes go into effect on July 1, 2018.

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

New: None  
 Repealed: WAC 388-25-0508, WAC 388-25-0510  
 Amended: WAC 388-25-0502, WAC 388-25-0504, WAC 388-25-0506, WAC 388-25-0528, WAC 388-25-0534  
 Suspended: None

**Statutory authority for adoption:** RCW 13.34.267, RCW 13.34.268, RCW 74.13.020, RCW 74.13.031, RCW 74.13.336

**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.

**Reasons for this finding:** These changes in Substitute Senate Bill (SSB) 6222 go into effect on July 1, 2018.

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>5</u>	Repealed	<u>2</u>

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

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

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

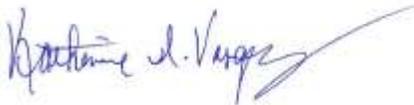
New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**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>5</u>	Repealed	<u>2</u>

<b>Date Adopted:</b> June 7, 2018	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

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

**WAC 388-25-0502 What is the purpose of the extended foster care program?** The extended foster care program provides an opportunity for young adults (~~(in foster care)~~) who are dependent at age eighteen to voluntarily agree to continue receiving foster care services, including placement services, while the youth:

- (1) Completes a high school or a high school equivalency program;
- (2) Completes a secondary or post-secondary academic or vocational program;
- (3) Participates in a program or activity designed to promote employment or remove barriers to employment;
- (4) Is engaged in employment for eighty hours or more per month; or
- (5) Is unable to engage in subsections (1) through (4) of this section due to a documented medical condition.

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

**WAC 388-25-0504 What is extended foster care?** Extended foster care is a program offered to young adults, age eighteen to twenty-one, who turn eighteen while in (~~foster care~~) a dependency, to enable them to:

- (1) Complete a high school diploma or high school equivalency certificate;
- (2) Complete a post-secondary academic or vocational program;
- (3) Participate in a program or activity designed to promote employment or remove barriers to employment;
- (4) Be employed for eighty hours or more per month; or
- (5) Participate in the program if unable to engage in subsections (1) through (4) of this section due to a documented medical condition.

AMENDATORY SECTION (Amending WSR 18-01-048, filed 12/12/17, effective 1/12/18)

**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;
- (b) Have applied for, or can demonstrate intent to timely enroll in a post-secondary academic or vocational education program as described in WAC 388-25-0514;
- (c) Participating in a program or activity designed to promote employment or remove barriers to employment as described in WAC 388-25-0515;
- (d) Engaged in employment for eighty hours or more per month;

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

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

(i) Had their dependency dismissed on their eighteenth birthday;

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

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

(2) A youth is not eligible to enroll in extended foster care while in the care and custody of juvenile rehabilitation, county detention, or in the department of corrections. Youth meeting EFC eligibility in subsection (1)(a) through (e) of this section may enroll when they are released from juvenile rehabilitation, county detention, of department of corrections custody.

(3) 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 subsection (1)(a) through (e) when requesting to reenroll in the extended foster care program.

AMENDATORY SECTION (Amending WSR 18-01-048, filed 12/12/17, effective 1/12/18)

**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))~~ twenty-one; or

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

(3) An eligible ~~((nondependent))~~ nonminor dependent 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 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 VPA.

AMENDATORY SECTION (Amending WSR 18-01-048, filed 12/12/17, effective 1/12/18)

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

(a) Has not turned twenty-one;

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

~~(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).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-25-0508            When is a youth considered to be "in foster care"?

WAC 388-25-0510            When is a youth not "in foster care"?