

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

*MAILED  
April 7, 2020  
DCYF BOA*

In the matter of:

AUDREY VALENS,

Appellant.

Docket No. 084990

**REVIEW DECISION AND FINAL ORDER**

Agency: Dept. of Children, Youth, and Families  
Program: Child Care Assistance

**APPEARANCES**

Appellant, Audrey Valens, self-represented; and

Department of Children, Youth, and Families, by Jesse Kearney, Agency representative.

**I. PROCEDURAL HISTORY**

On October 16, 2019, the Department of Children, Youth, and Families (Department or DCYF) served a Client Overpayment Notice (Notice) on the Appellant notifying her that she had been overpaid \$27,611.47 in child care assistance benefits between January 1, 2018, and April 30, 2019. On November 15, 2019, the Appellant filed a request with the Office of Administrative Hearings for a hearing to contest the Notice. On December 20, 2019, Administrative Law Judge Aaron S. Hockman (ALJ Hockman) convened a hearing in the matter. On January 6, 2020, ALJ Hockman issued an Initial Order reversing the Department's determination that the Appellant had received child care assistance benefits that she was not eligible to receive. On January 21, 2020, the Department filed a Petition for Review of Initial Decision requesting that the Initial Order be reversed and that the Appellant's overpayment be upheld. On January 31, 2020, the Appellant filed a response to the Department's petition, requesting that the Initial Order be affirmed. The Department did not reply to the Appellant's response.

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## II. ISSUES

2.1 Whether a preponderance of the evidence supports the Department finding that the Appellant was overpaid \$27,611.47 in child care assistance benefits from January 1, 2018, through April 30, 2019.

2.2 Whether the Initial Order reversing the Department finding and ruling that the Appellant was not overpaid \$27,611.47 in child care assistance benefits from January 1, 2018, through April 30, 2019, should be affirmed, modified, or reversed.

## III. FINAL ORDER SUMMARY

The Initial Order is **REVERSED**. A preponderance of the evidence supports the Department's finding that the Appellant was overpaid \$27,611.47 in child care assistance benefits from January 1, 2018, through April 30, 2019. The Department's finding is **AFFIRMED**.

## IV. FINDINGS OF FACT

4.1 The undersigned Review Judge conducted a de novo (anew) review of the hearing record, the admitted exhibits, the written arguments, the audio recording of the December 20, 2019, hearing, the Initial Order, the Department's Petition for Review, and the Appellant's response to the Department's petition. Based on this review, the undersigned Review Judge finds the following facts more likely than not by a preponderance of the evidence.

4.2 On May 11, 2017, the Appellant applied for Working Connections Child Care (WCCC)<sup>1</sup> child care assistance benefits for her three children, Diamond (age 7

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<sup>1</sup> The Child Care Subsidy Program (CCSP) was formerly known as Working Connections Child Care (WCCC). This Order uses CCSP and WCCC interchangeably since some of the relevant time periods are prior to the name change.

years); Amelia (age 1 year); and Carmela (age approximately 6 months).<sup>2</sup> In her application, the Appellant reported that she resided at an address in Tacoma, Washington (Address #1).<sup>3</sup> On May 11, 2017, the Appellant was approved for child care assistance benefits for a family of four.<sup>4</sup>

4.3 Amelio Hernandez (Mr. Hernandez) is the father of Amelia and Carmela.<sup>5</sup> Mr. Hernandez also reported his residence at an address in Tacoma, Washington (Address #2); an address that was different from the Appellant's Tacoma address.<sup>6</sup>

4.4 Based on information that the Appellant and Mr. Hernandez may have been living together, the matter was referred for a Fraud Early Detection (FRED) investigation.<sup>7</sup> The FRED investigation was tasked with determining whether the Appellant and Mr. Hernandez resided together at Address #2. The FRED investigation concluded that the Appellant and Mr. Hernandez did not reside together at Address #2.<sup>8</sup> The FRED investigation did not address whether the Appellant and Mr. Hernandez resided together at an address other than Address #2. The investigation revealed that Mr. Hernandez listed Address #1 as his residence when his Washington ID card was issued in March 2016. The Appellant also listed Address #1 as her residence when she renewed her Washington ID card in April 2017.<sup>9</sup>

4.5 The Appellant admitted that she and Mr. Hernandez were in a relationship.<sup>10</sup> However, during different contacts with the Department involving the same periods of

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<sup>2</sup> Exhibit 4, page 1.

<sup>3</sup> Address #1: 4321 E. G Street, Tacoma, Washington 98404.

<sup>4</sup> Exhibit 5.

<sup>5</sup> Exhibit 4, page 1.

<sup>6</sup> Address #2: 3727 McKinley Ave., Apt. 2, Tacoma, Washington 98404.

<sup>7</sup> Exhibit 6.

<sup>8</sup> *Id.*

<sup>9</sup> Exhibit 6, page 2.

<sup>10</sup> Exhibit 4, page 4.

time, the Appellant provided contradictory statements regarding whether she and Mr. Hernandez lived together. In one of her statements, the Appellant admitted that Mr. Hernandez stayed with her more than three to four days each week.<sup>11</sup> In a different statement, the Appellant denied that Mr. Hernandez lived with her.<sup>12</sup>

4.6 On May 4, 2018, the Appellant reapplied for WCCC benefits, listing herself and the three children as residing at Address #1.<sup>13</sup> The Appellant's application was approved for assistance through April 2019.<sup>14</sup>

4.7 In March 2019, Mr. Hernandez applied for food assistance benefits. During an in-person interview for the food assistance program, Mr. Hernandez admitted that he and the Appellant had been living together the entire time since 2015.<sup>15</sup> The evidence of Mr. Hernandez's admission that he lived with the Appellant is circumstantial hearsay evidence derived from the Department's report. This hearsay evidence was uncontested. Mr. Hernandez did not appear at or provide any testimony for the Appellant's hearing.

4.8 On April 25, 2019, the Appellant reapplied for WCCC benefits. In her application, the Appellant listed her household as consisting of herself and her three children.<sup>16</sup> Additionally, the Appellant also admitted that Mr. Hernandez spent more than three or four nights with her each week and agreed that he could be added to the list of persons in her household if it made things easier.<sup>17</sup> The Appellant then contacted the

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<sup>11</sup> *Id.*; Also, See Paragraph 4.8.

<sup>12</sup> Exhibit 6, pages 2-3.

<sup>13</sup> Exhibit 4, page 3.

<sup>14</sup> Exhibit 7.

<sup>15</sup> Exhibit 8.

<sup>16</sup> Exhibit 4, page 4.

<sup>17</sup> *Id.*

Department later that same day and claimed that Mr. Hernandez did not reside with her.<sup>18</sup>  
The Appellant's application was subsequently denied.<sup>19</sup>

4.9 On June 7, 2019, the Appellant reapplied for WCCC benefits, reporting that she resided at Address #2 with Mr. Hernandez and the three children.<sup>20</sup> The Appellant reported that Address #1 was her mother's address and that the Appellant continued to use Address #1 as her mailing address. The Appellant's application was approved.<sup>21</sup>

4.10 On September 4, 2019, the Appellant contacted the Department by telephone and informed them that as of August 20, 2019, she was no longer residing with Mr. Hernandez.<sup>22</sup> Based on her statement, the Department sent a request for information letter to the Appellant, asking for verification of the composition of the Appellant's household and her single parent household status. The Appellant did not respond to the Department's request and failed to provide verification of the requested information.<sup>23</sup>

4.11 The Department then served the Appellant a Client Overpayment Notice on October 16, 2019. The Notice advised the Appellant that the Department had overpaid her \$27,611.47 in child care assistance benefits for the time period between January 1, 2018, and April 30, 2019. The Notice advised that the overpayment was due to the Appellant's failure to report all required household members.<sup>24</sup>

4.12 There is no dispute that Mr. Hernandez is the father of two of the Appellant's children, and that the Appellant and Mr. Hernandez were in a relationship. The Appellant's and Mr. Hernandez's relationship was contentious at times and was described

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<sup>18</sup> Exhibit 4, page 5.

<sup>19</sup> Exhibit 9.

<sup>20</sup> Exhibit 4, page 6.

<sup>21</sup> Exhibit 10.

<sup>22</sup> Exhibit 4, page 8.

<sup>23</sup> Exhibit 11.

<sup>24</sup> Exhibit 2.

by the Appellant as “on and off.”<sup>25</sup> The Appellant attempted to make her relationship with Mr. Hernandez work for the benefit of herself and their children.<sup>26</sup> The Appellant’s relationship with Mr. Hernandez was complicated by Mr. Hernandez’s mental health issues.<sup>27</sup> By her own admission, the Appellant’s intent was that she and Mr. Hernandez maintain an ongoing relationship.

4.13 Bonnie Valens (Ms. Valens) is the Appellant’s mother. Ms. Valens owns and resides at Address #1. While she allowed Mr. Hernandez to use Address #1 as his mailing address for insurance and driver licensing purposes, Ms. Valens did not approve of Mr. Hernandez and never gave him permission to reside at Address #1.<sup>28</sup>

4.14 Ms. Valen’s testimony that she did not approve of Mr. Hernandez and had not given him permission to reside at her residence at Address #1 was credible. The Appellant’s contradictory testimony and information she provided to the Department was less credible. The uncontested circumstantial hearsay evidence consisting of Mr. Hernandez’s admission that he and the Appellant had continuously lived together since 2015 supports the Appellant’s admission that she had an ongoing relationship with him and that their combined actions constituted living together for the purposes of determining the Appellant’s eligibility for child care assistance benefits.

4.15 Like the ALJ, the undersigned Review Judge noted and considered Ms. Valen’s uncontroverted testimony, and that Mr. Hernandez did not appear as a witness. However, unlike the ALJ, the undersigned Review Judge finds that the Appellant’s less credible testimony and her admissions, combined with the supporting circumstantial

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<sup>25</sup> Testimony of Appellant.

<sup>26</sup> Testimony of Appellant; Testimony of Bonnie Valens.

<sup>27</sup> Testimony of Appellant.

<sup>28</sup> Testimony of Bonnie Valens.

hearsay evidence, outweighs the Appellant's denial that they lived together in the same household.

4.16 The Initial Order found the FRED investigation to be inconclusive. In contrast, the undersigned Review Judge finds that the FRED investigation conclusively determined that the Appellant did not reside together with Mr. Hernandez at Address #2.<sup>29</sup> The FRED investigation did not address whether the Appellant lived together with Mr. Hernandez at an address other than Address #2.

4.17 Based on the FRED investigation findings, hearing testimony and the Appellant's admissions, the Appellant resided more than fifty percent of the time with her mother at Address #1 while intentionally maintaining an ongoing relationship with Mr. Hernandez. The Appellant's intentional, ongoing relationship with Mr. Hernandez was effectuated by alternating their time living together between Address #1 and Address #2. The Department did not present sufficient facts to show that the Appellant continuously or predominantly resided with Mr. Hernandez at either Address #1 or Address #2.

## **V. CONCLUSIONS OF LAW**

5.1 A request for review of an Initial Order must be filed on or before the twenty-first calendar day after the date the decision on the merits is served by OAH to the parties. The Petition for Review was timely filed and is otherwise proper.<sup>30</sup> Jurisdiction exists to review the Initial Order and to enter the final agency order.<sup>31</sup>

5.2 An Administrative Law Judge shall apply as the first source of law governing an issue the Department rules adopted in the Washington Administrative Code (WAC). If

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<sup>29</sup> Exhibit 6, pages 1-2.

<sup>30</sup> WAC 110-03-0520.

<sup>31</sup> Ch. 34.05 RCW; Ch. 34.12 RCW; Ch. 74.08 RCW; WAC 110-03-0010(7); WAC 170-290.

no Department rule applies, the ALJ and BOA Review Judge must decide the issue according to the best legal authority and reasoning available, including federal and Washington State constitutions, statutes, regulations, and court decisions. Effective July 1, 2019, Chapter 110-03 WAC, applies to all cases from programs administered by DCYF in which DCYF or its predecessor agencies issued a written notice of an appealable decision.

5.3 The “burden of proof” requires a party to provide sufficient evidence regarding disputed facts, and to persuade the ALJ or BOA Review Judge that their position is correct. To persuade the ALJ or BOA Review Judge, the party who has the burden of proof must provide the amount of evidence required by the applicable standard of proof under the rules. Here, the Department has the burden of proof to prove the allegations.

5.4 The “standard of proof” is proof by a “preponderance of the evidence.” A preponderance of the evidence standard means that it is more likely than not that something happened or exists.<sup>32</sup>

5.5 Hearsay is a statement made outside of the hearing used to prove the truth of what is in the statement.<sup>33</sup> While hearsay evidence would not ordinarily be admissible in Superior Court, it can be admitted in an administrative hearing so long as “it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.”<sup>34</sup> Documents, objects, and testimony given during the hearing are evidence. The ALJ and Review Judge decide whether evidence is admitted and the

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<sup>32</sup> WAC 110-03-0430.

<sup>33</sup> WAC 110-03-0340(2).

<sup>34</sup> RCW 34.05.452(1); WAC 110-03-0340(2).

weight (importance) that the evidence is given.<sup>35</sup> More weight may be given to testimony that provides an opportunity for cross-examination by the opposing party.<sup>36</sup>

5.6 "Overpayment" means a payment or benefits received by a provider or consumer that exceeds the amount the provider or consumer is approved for or eligible to receive.<sup>37</sup> When required changes are timely reported, an overpayment will not be established.<sup>38</sup>

5.7 The purpose of the WCCC program is to assist eligible consumers pay for child care so the consumer can work, attend training, or enroll in educational programs.<sup>39</sup> Consumers of child care assistance benefits are required to report correct and current information to the Department so it can make appropriate eligibility determinations.<sup>40</sup> When consumers fail to accurately report information, the Department establishes an overpayment.<sup>41</sup>

5.8 When a consumer applies for or receives WCCC benefits, he or she must notify DSHS within ten days of any significant change related to the consumer's copayment or eligibility, including:

*The consumer's countable income, including any TANF grant or child support increases or decreases, only if the change would cause the consumer's countable income to exceed the maximum eligibility limit as provided in WAC 170-290-0005. A consumer may notify DSHS at any time of a decrease in the consumer's household income, which may lower the consumer's copayment under WAC 170-290-0085; The consumer's household size such as any family member moving in or out of his or her home;*<sup>42</sup>

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<sup>35</sup> WAC 110-03-0360.

<sup>36</sup> WAC 110-03-0330.

<sup>37</sup> WAC 110-15-0003.

<sup>38</sup> WAC 110-15-0031(d).

<sup>39</sup> WAC 110-15-0001.

<sup>40</sup> WAC 110-15-0030.

<sup>41</sup> WAC 110-15-0271.

<sup>42</sup> WAC 170-290-0031(3); Promulgated under WSR 12-11-025, effective 6/8/12.

5.9 A consumer's failure to report required changes may cause a WCCC payment error and overpayment.<sup>43</sup> Overpayments are established for past or current consumers when the consumer:

*Failed to report information to DSHS resulting in an error in determining eligibility, amount of care authorized, or copayment;*<sup>44</sup>

### **Family Size**

5.10 A consumer's family size is determined according to Department rules. The WCCC program, originally administered by the Department of Early Learning, was transferred to the Department of Social and Health Services, and then to the Department of Children, Youth and Families.<sup>45</sup> For the time period January 1, 2018, through June 30, 2018, the controlling Department rule stated, in part:

- (1) DSHS determines a consumer's family size as follows:
  - (a) For a single parent, including a minor parent living independently, DSHS counts the consumer and the consumer's children;
  - (b) For unmarried parents who have at least one mutual child, DSHS counts both parents and all of their children living in the household;
  - (c) Unmarried parents who have no mutual children are counted as separate WCCC families, the unmarried parents and their respective children living in the household;
  - (d) For married parents, DSHS counts both parents and all of their children living in the household;<sup>46</sup>

For the time period July 1, 2018, through April 30, 2019, the controlling Department rule stated, in part:

- (1) DCYF determines a consumer's family size as follows:
  - (a) For a single parent, including a minor parent living independently, DCYF counts the consumer and the consumer's children;

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<sup>43</sup> WAC 170-290-0032; Promulgated under WSR 11-01-090, effective 1/14/11.

<sup>44</sup> WAC 170-290-0271; Promulgated under WSR 09-22-043, effective 12/1/09.

<sup>45</sup> Laws 2017, Ch. 6, and Laws 2018, Ch. 52.

<sup>46</sup> WAC 170-290-0015.

- (b) For unmarried parents who have at least one mutual child, DCYF counts both parents and all of their children living in the household;
- (c) Unmarried parents who have no mutual children are counted as separate WCCC households, the unmarried parents and their respective children living in the household;
- (d) For married parents, DCYF counts both parents and all of their children living in the household;<sup>47</sup>

For purposes of determining family size, the agency administering the program changed while the substance of the rule remained unchanged.

5.11 When determining program eligibility, the Department counts individuals residing in the Appellant's household. For unmarried parents who have at least one mutual child, both parents and all children living in the household are counted.<sup>48</sup> A consumer is required to report a second parent's financial and circumstantial information when the second parent is part of the Appellant's household.<sup>49</sup> For a parent who is voluntarily out of the household but is expected to return, the Department counts the consumer as well as the absent parent.<sup>50</sup>

5.12 The Department presented official records and circumstantial hearsay evidence indicating that Mr. Hernandez used Address #1 as his mailing address while the Appellant received child care subsidies for the three children. In contrast, the Appellant presented credible witness testimony asserting that Mr. Hernandez did not reside with the Appellant at Address #1.

5.13 While denying they lived together, the Appellant readily admitted that she intentionally had an ongoing relationship with Mr. Hernandez. The Appellant admitted

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<sup>47</sup> WAC 110-15-0015.

<sup>48</sup> WAC 110-15-0015(1)(b); WAC 170-290-0015(1)(b).

<sup>49</sup> WAC 170-290-0012.

<sup>50</sup> WAC 110-15-0015; WAC 170-290-0015.

that it was her intent to try and make her relationship with the father of two of her children, “work.” The facts show that more likely than not, the Appellant had an ongoing relationship with Mr. Hernandez. Additionally, while it is uncontroverted that their relationship was contentious and complicated by Mr. Hernandez’s mental health issues, their actions and the totality of the circumstances warrant a finding by a preponderance of the evidence that they lived together for purposes of determining eligibility for child care assistance benefits.

5.14 Department rules do not specifically define what it means to be in a relationship or to live together. When examining the issue of marriage and cohabitation, the Washington Supreme Court determined that “meretricious relationships” are defined as stable relationships evidenced by the circumstances of each case. These circumstances can include factors such as continuous cohabitation, duration and purpose of the relationship, pooling of resources for mutual benefit, and the intent of the parties.<sup>51</sup> The Supreme Court explained that the purpose of a relationship that included companionship, friendship, love, sex, and mutual support and caring, could support a finding that the parties were engaged in a meretricious relationship.<sup>52</sup>

5.15 Here, it is clear that the Appellant’s intent was to have an ongoing relationship with Mr. Hernandez. The circumstantial hearsay evidence consisting of Mr. Hernandez’s admission that he and the Appellant lived together supports a conclusion that it was the Appellant’s intent to maintain their ongoing relationship. However, the Department has failed to show by a preponderance of the evidence that the Appellant continuously or predominantly lived with Mr. Hernandez at either Address #1 or Address

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<sup>51</sup> See *In Re Marriage of Pennington*, 142 Wash.2d 592 (2000).

<sup>52</sup> *Id.*

#2, or that Mr. Hernandez provided any form of financial support toward the relationship. Absent a clear Department definition of what constitutes “living together,” the undersigned Review Judge applies the Supreme Court determination that meretricious relationships need to be determined by the circumstances of each individual case.

5.16 The totality of the circumstances in this specific case demonstrates by a preponderance of the credible evidence that the Appellant and Mr. Hernandez had a meretricious relationship. Their meretricious relationship was not formed by a continuous cohabitation at either Address #1 or Address #2, or through the provision of financial support. Continuous cohabitation at a specific residential address and the provision of financial support are not determining factors in this case. Instead, a preponderance of the credible evidence shows that the Appellant and Mr. Hernandez had a meretricious relationship that was defined by the Appellant’s willful intent to have an ongoing relationship with the father of two of her children. Their ongoing relationship was defined by companionship, friendship, love, sex, and mutual support and caring. Continuous cohabitation and the provision of financial support are not standalone, dispositive factors when concluding that, in the particular circumstances of this individual case, the Appellant and Mr. Hernandez lived together for purposes of determining eligibility for child care assistance benefits.

5.17 The Appellant’s and Mr. Hernandez’s meretricious relationship, in conjunction with the Department rules regarding unmarried parents with mutual children in common and voluntarily absent parents, constitute living together for purposes of determining program eligibility. By her actions and intent, the Appellant was required to report Mr. Hernandez’s circumstances in relation to the composition of her household.

On some occasions, the Appellant did report that she was living (spending more than three or four days each week) with Mr. Hernandez. On other occasions, the Appellant denied that she was living with Mr. Hernandez. When specifically asked to provide documented evidence verifying that Mr. Hernandez did not reside with her, the Appellant failed to provide the Department with the requested information. For that reason, the Department issued the Appellant an overpayment notice. Because a preponderance of the evidence supports the Department's determination that the Appellant received an overpayment because she failed to accurately report all household members, the Initial Order's ruling that the Department's determination should be reversed, should itself be reversed, and the Department's determination should be upheld.

## VI. REVIEW DECISION AND FINAL ORDER

6.1 Based on the Findings of Fact and Conclusions of Law above, the Initial Order is **REVERSED**.

6.2 A preponderance of the evidence supports the Department's determination that the Appellant was overpaid \$27,611.47 in child care assistance benefits from January 1, 2018, through April 30, 2019.

6.3 The Department's determination that the Appellant was overpaid \$27,611.47 in child care assistance benefits from January 1, 2018, through April 30, 2019, is **AFFIRMED**.

SERVED on the date of mailing.



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JERRY A. VILLARREAL, Review Judge  
Board of Appeals  
Department of Children, Youth, and Families

## Appeal Rights after Review Decision and Final Order

**If you disagree with the Review Judge’s Decision and Final Order, you have the right to:**

1. Ask the Review Judge to reconsider the decision or order. You file a “**Petition for Reconsideration**” within ten (10) calendar days – see below.
2. File a “**Petition for Judicial Review**” with the Superior Court. This starts a case in Superior Court asking a Superior Court Judge to look at the Review Judge’s decision. You must petition the Superior Court within thirty (30) calendar days – see below.

**DEADLINE for Request for Reconsideration – 10 days.** The Board of Appeals must RECEIVE your request within (10) calendar days from the date stamped or “date mailed” noted on the enclosed Review Decision and Final Order. The deadline is 5:00 p.m. Pacific Time. **If you do not meet this deadline, you will lose your right to request reconsideration.**

**If you need more time:** The Review Judge may extend the deadline, but you must ask for the extension within the same ten (10) calendar day deadline as for filing a Petition for Reconsideration.

**How to Request Reconsideration:** Use the Petition for Reconsideration form on the following page, or make your own form. You may add more pages if needed. A request for reconsideration or request for more time must be received by the Board of Appeals on or before the ten (10) – day deadline. Mail, hand deliver, fax, or email the request to the address or fax number or email address on the following page. You must serve copies of your request and any attachments to every other party and their representative at the same time.

**Interpreters and Visual Challenges:** If you do not read or write English, or if you are deaf or hard of hearing, you may ask the Review Judge for an interpreter if the judge schedules a hearing that you must attend in-person or by phone. If you are visually challenged, you may have materials sent in Braille or in large-print format. Let the Review Judge know your needs. Call (360) 902-0278.

**DEADLINE to Petition Superior Court – 30 days.** You must file your Petition for Judicial Review with the Superior Court within thirty (30) calendar days from the date stamped or “date mailed” noted on the enclosed Review Decision and Final Order. The Court has rules for filing and service that you must follow.

**EXCEPTION:** If (and only if) you file a timely Petition for Reconsideration with the Board of Appeals (see above), then you will have thirty (30) days from the date stamped or “date mailed” noted on the Decision and Order on Reconsideration to file a Petition for Judicial Review with the Superior Court.

**Serve copies upon DCYF, the Attorney General’s Office, and other parties.** You must serve a copy of your Petition for Judicial Review upon the Department of Children, Youth, and Families (DCYF); the Attorney General’s Office; and all other parties and their representatives within thirty (30) days from the date stamped or “date mailed” noted on the Review Decision and Final Order. Service upon DCYF shall be by hand delivery of a copy of the petition to the Director of the Department of Children, Youth, and Families at the DCYF headquarters office or by hand delivery or mail to the attorney of record for DCYF. Service upon the Office of the Attorney General and other parties may be by hand delivery or mail. Service upon the attorney of record for a party constitutes service upon a party. Service by mail is completed upon deposit in the United States mail as evidenced by a postmark.

**Resources:** Refer to the Revised Code of Washington (RCW) chapter 34.05; the Washington Administrative Code (WAC); and the Washington Rules of Court (Civil) for guidance. These materials are available at all law libraries, and in most community libraries.

**If you need help:** Ask friends or relatives for a reference to an attorney, or contact your county’s bar association or legal referral service. Childcare providers have advocates who may be able to help prepare the Petition for Reconsideration or Petition for Judicial Review. **Hiring any attorney or advocate will be at your expense.**



DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that today I served a copy of this document, by placing it in the mail with postage prepaid, addressed to the following parties of record:

Audrey Valens  
4321 East G Street  
Tacoma, WA 98404

Appellant

Jesse Kearney  
P.O. Box 12500  
MS: B-39-5  
Yakima, WA 98909

Department Representative

Ronda Haun  
Mail Stop: 40988

DCYF Risk Management Office Chief

Office of Administrative Hearings  
P.O. Box 42489  
Olympia, WA 98504-2489

Office of Financial Recovery  
Mail Stop: 45862

**DATE OF MAILING:**

MAILED  
April 7, 2020  
DCYF BOA



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Matthew Brown  
DCYF Board of Appeals  
P.O. Box 40982  
Olympia, WA 98504-0982