



**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: July 17, 2019

TIME: 3:00 PM

WSR 19-15-076

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes No If Yes, explain:

Purpose: Amend WAC 110-15-0280 to align with DCYF's emergency Administrative Hearing Rules chapter 110-03.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: 110-15-0280
- Suspended:

Statutory authority for adoption: 43.216.905, 43.216.906

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: DCYF has conflicting WACs regarding an administrative appeal process that impacts the general welfare. Observing the time requirements for notice and comment would be contrary to the public interest.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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New ____ Amended ____ Repealed ____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New ____ Amended ____ Repealed ____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New ____ Amended 1 Repealed ____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Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____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	____	Repealed	____

Date Adopted: July 17, 2019	Signature: 
Name: Brenda Villarreal	
Title: Rules Coordinator	

WAC 110-15-0280 Right to request an administrative

hearing. (1) WCCC consumers have a right to request (~~(a hearing under chapter 388-02 WAC)~~) administrative hearings on any action affecting WCCC benefits.

(2) Child care providers may request administrative hearings (~~(under chapter 388-02 WAC)~~) only for WCCC overpayments. A provider's burden of proof is a preponderance of the evidence.

(3) To request a hearing, a consumer or provider:

(a) Contacts the (~~DSHS~~) DCYF office which sent them the notice; or

(b) Writes to the office of administrative hearings, P.O. Box 42489, Olympia, WA 98504-2489; and

(c) Makes the request for a hearing within:

(i) Ninety days of the date a decision is received for consumers; or

(ii) Twenty-eight days of the date a decision is received for providers.

(4) The office of administrative hearings administrative law judge enters initial or final orders as provided in (~~WAC~~)

~~388-02-0217~~) chapter 110-03 WAC. Initial orders may be appealed to a ((~~DSHS~~)) DCYF review judge under chapter ((~~388-02~~)) 110-03 WAC.

(5) To request a hearing under the seasonal child care program, see WAC ((~~170-290-3860 and 170-290-3865~~)) 110-15-3860 and 110-15-3865.