

AMENDATORY SECTION (Amending WSR 20-02-031, filed 12/19/19, effective 1/19/20)

WAC 110-03-0530 Requesting review of the initial order.

(1) A party must file the review request (petition for review) in writing and it must:

(a) Clearly identify the parts of the initial order with which the party disagrees;

and

(b) Clearly present arguments and refer to evidence in the record supporting the party's position.

(2) The petition for review must be filed with the BOA and the party requesting review must serve copies on the other parties and their representatives and OAH at the same time the petition is filed.

(3)(a) The petition for review must be filed with the BOA at the address stated in the instructions for obtaining review sent with the initial order or using the following contact information appropriate to the method of filing used:

(i) Mailing address:

DCYF Board of Appeals

P.O. Box 40982

Olympia, WA 98504-0982;

~~((Physical address:~~

~~DCYF Board of Appeals~~

~~1115 Washington Street Southeast~~

~~Olympia, WA 98501))~~

(ii) Fax: 360-586-5934; or

(iii) The petition or other documents related to your case may be sent to the DCYF BOA using secure email. Call the BOA prior to sending documents by email to request access to the secure email portal.

(b) This information is current as of the effective date of these rules; however, parties should file documents using the address or fax information received with the initial order if it is different from the information provided here.

(4) The DCYF board of appeals can be contacted by phone at: 360-902-0278.

AMENDATORY SECTION (Amending WSR 20-02-031, filed 12/19/19, effective 1/19/20)

WAC 110-03-0590 Judicial review.

(1) Judicial review is the process of appealing a final agency order to a superior court.

(2) Any party, except DCYF, may appeal a final order by filing a written petition for judicial review in superior court pursuant to RCW 34.05.514 that meets the requirements of RCW 34.05.546. The petition must be properly filed and served, as required by RCW 34.05.542, within thirty calendar days of the date the review judge serves the final order in the case. However, as provided by RCW 34.05.470, if a petition for reconsideration has been properly filed, the thirty-day period does not commence until the agency disposes of the petition for reconsideration. Copies of the petition must be served on DCYF, the office of the attorney general, and all other parties at the same time the petition is filed.

(3) To serve DCYF, a copy of the petition must be delivered to the secretary of DCYF or to the DCYF BOA.

(a) The petition ~~((must))~~ may be ~~((hand-delivered-or))~~ mailed with proof of receipt to:

DCYF Office of the Secretary

P. O. Box 40982

Olympia, WA 98504-0982; or

~~((a) The physical location of the secretary is:~~

~~DCYF Office of the Secretary~~

~~1500 Jefferson Street Southeast~~

~~Olympia, WA 98501~~

~~The mailing address of the secretary is:~~

~~DCYF Office of the Secretary~~

~~P.O. Box 40975~~

~~Olympia, WA 98504-0975~~

~~Fax: 360-586-5934))~~

(b) The petition and other documents related to your case may be sent to the DCYF BOA using secure email. Call the BOA prior to sending documents by email to request access to the secure email portal.

(4) The ~~((physical location))~~ telephone number, fax number, and mailing address for the DCYF BOA are as stated in WAC 110-03-0530.

~~((4))~~ (5) Service on the office of the attorney general and other parties of a copy of the petition for judicial review may be made at the following locations:

(a) The office of the attorney general may be served personally or by delivery at:

Office of the Attorney General

7141 Cleanwater Drive S.W.

Tumwater, WA 98501

The mailing address of the office of the attorney general is:

Office of the Attorney General

P.O. Box 40124

Olympia, WA 98504-0124

(b) Each party must be served at each party's address of record.

~~((5))~~ (6) A party may file a petition for judicial review only after it has exhausted administrative remedies, as provided under RCW 34.05.534.

~~((6))~~ (7) Filing a petition for judicial review of a final order does not stay the effectiveness of the final order.



**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 29, 2020

TIME: 2:00 PM

WSR 20-16-079

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: Encourage petitions for review of initial administrative hearings orders and petitions for judicial review of final agency orders to be served by U.S. mail or email on either the secretary of DCYF or the DCYF Board of Appeals instead of personal delivery while state agency buildings are closed to the public in response to the COVID-19 pandemic.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 110-03-0530 and 110-03-0590
- Suspended:

Statutory authority for adoption: RCW 34.05.220 and 43.216.065

Other authority: Proclamations of the Governor 20-05 and 20-28

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: Governor Jay Inslee issued proclamation 20-05 declaring a state of emergency in all counties in the state of Washington as a result of the outbreak of COVID-19. The Governor’s proclamation directed state agencies to do everything reasonably possible to respond to and recover from the COVID-19 outbreak. As of March 11, 2020, the World Health Organization has classified COVID-19 as a pandemic. Proclamation of the Governor 20-25 established the “Safe Start – Stay Healthy” County-By-County Phased Reopening plan that prohibits government buildings from opening to the public until such time as approved by the state Department of Health.

**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 2 Repealed ____

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

New ____ Amended 2 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 29, 2020	Signature: 
Name: Brenda Villarreal	
Title: DCYF Rules Coordinator	