

**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 should:

~~(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) Instructions for obtaining a review will be sent with the initial order. Depending on how the petition is filed, use the following contact information:~~

~~(a) Mailing address:~~

~~DCYF Board of Appeals  
P.O. Box 40982  
Olympia, WA 98504-0982;~~

~~(b) Fax: 360-586-5934;~~

~~(c) Email: Call the BOA at 360-902-0278 and request access to the secure email portal; or~~

~~(d) Physical address:~~

~~DCYF Board of Appeals  
1115 Washington Street Southeast  
Olympia, WA 98501~~

~~(4) The contact information in this subsection 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.~~

~~(5) The DCYF board of appeals can be contacted by phone at: 360-902-0278.)~~

(1) A party may request review of their initial order by filing a written request, known as a petition for review. A petitioner must follow the instructions included with their initial order when petitioning for review.

(2) A petition for review should state the:

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

(b) Reasons why they disagree; and

(c) The specific evidence in the record that supports their position.

(3) A party filing a petition for review must serve a copy of their petition for review on OAH and the other parties and their representatives at the same time their petition for review is filed with the BOA.

(4) A petition for review must be filed with the BOA using one of the following methods:

(a) Mail to:

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

(b) Fax: 360-586-5934;

(c) Email: Call the BOA at 360-902-0278 and request access to the secure email portal; or

(d) Personal service: The physical address where the BOA may be served is identified on the BOA website and in the initial order's instructions for petitioning for review. Parties filing by personal service are encouraged to first call the BOA at 360-902-0278 to arrange for someone to accept service.

(5) The contact information in this section is current as of the effective date of these rules. Any necessary updates are made to the initial orders' instructions for petitioning for review when changes occur.

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

AMENDATORY SECTION (Amending WSR 21-11-078, filed 5/18/21, effective 6/18/21)

**WAC 110-03-0590 Judicial review.** (1) Judicial review is the process of appealing ((a)) final agency orders 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)) 30 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)) 30 day period does not commence until the agency disposes of the petition for reconsideration. ((Copies)) A copy 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 DCYF secretary ((of DCYF)) or ((to the DCYF)) the BOA. The petition must be either hand delivered, mailed with proof of receipt, or sent by secure email.

(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

(b) The ((physical location and)) mailing address for the DCYF BOA ((are as)) is stated in WAC 110-03-0530.

(c) To serve by email, call the BOA at 360-902-0278 and request access to the secure email portal.

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

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



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 21, 2022

TIME: 3:16 PM

WSR 22-13-159

**Agency:** Department of Children, Youth, and Families

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** \_\_\_\_\_ ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) In Chapter 110-03 WAC Administrative Hearings, WAC 110-03-0530 Requesting review of the initial order, and 110-03-0590 Judicial review.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
7/26/22		telephonic	Make oral comments by calling (360) 522-2826 and leaving a voicemail that includes the comment and an email or physical mailing address where DCYF will send its response. Comments received through and including July 26, 2022 will be considered

**Date of intended adoption:** 7/27/22 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: DCYF Rules Coordinator

Address:

Email: [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov)

Fax:

Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>

By (date) 7/26/22

**Assistance for persons with disabilities:**

Contact DCYF Rules Coordinator

Phone:

Fax:

TTY:

Email: [dcyf.rulescoordinator@dcyf.wa.gov](mailto:dcyf.rulescoordinator@dcyf.wa.gov)

Other:

By (date) 7/20/22

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules update the instructions for petitioning for review of initial administrative hearing orders. Specifically, the proposals direct petitioners to follow the instructions that are included with the initial order. The proposals' change in existing rules is the elimination of a physical address for service on the department's Board of Appeals.

**Reasons supporting proposal:** The department's board of appeals is no longer located at the address the current rule provides for personal service. It is possible the board of appeals could relocate again, so the department is opting not to include in the rule an address for personal service, and instead directs petitioners to follow the instructions supplied with the orders being challenged. The instructions will include the current physical address for personal service on the board of appeals.

**Statutory authority for adoption:** RCW 34.05.220, 43.216.020, and 43.216.065

**Statute being implemented:** RCW 34.05.464

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Department of Children, Youth, and Families

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Laura Farris	Olympia	(360) 902-8262
Implementation:	DCYF	statewide	
Enforcement:	DCYF	statewide	

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> June 21, 2022	<b>Signature:</b> 
<b>Name:</b> Brenda Villarreal	
<b>Title:</b> DCYF Rules Coordinator	