

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-30-0230 How ~~((does an))~~ do alleged perpetrators challenge ~~((a))~~ their founded CPS findings?** (1) In order to challenge ~~((a))~~ founded CPS findings, ~~((the))~~ alleged perpetrators must ~~((make a written))~~ request in writing for CPS to review ~~((the))~~ their founded CPS findings of child abuse or neglect. ~~((The CPS finding notices must provide the information regarding all steps necessary to request a re-view.))~~

(2) ~~((The))~~ Alleged perpetrators must request ~~((must be provided to the same CPS office that sent))~~ the CPS review of their founded CPS finding notice within ~~((thirty))~~ 30 calendar days from the date ~~((the alleged perpetrator receives the CPS finding notice (RCW 26.44.125))~~ they received it. If requests are not made within 30 days, alleged perpetrators may not further challenge the findings.

AMENDATORY SECTION (Amending WSR 20-04-019, filed 1/27/20, effective 2/27/20)

**WAC 110-30-0280 What happens if CPS management does not change ~~((the))~~ founded CPS findings after their reviews?** (1) If CPS management does not change ~~((the))~~ founded CPS findings after their review, ~~((the))~~ alleged perpetrators ~~((has))~~ have the right to further challenge ~~((that finding))~~ CPS management's decision by requesting an administrative hearing.

(2) ~~((The))~~ Requests for ~~((a))~~ administrative hearings must be in writing and ~~((sent to))~~ filed with the office of administrative hearings ~~((WAC 110-03-0070 lists the current address))~~ (OAH) as instructed in the notice of the CPS management review decision.

(3) ~~((The office of administrative hearings must receive the written request for a hearing within thirty))~~ Requests for administrative hearings with the OAH must be filed within 30 calendar days from the date that the ~~((person requesting the hearing receives))~~ alleged perpetrators received the CPS management review decision.



# 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: March 11, 2022

TIME: 9:36 AM

WSR 22-07-030

**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) WAC 110-30-0230 How does an alleged perpetrator challenge a founded CPS finding? and 110-30-0280 What happens if CPS management does not change the founded CPS finding?

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
April 26, 2022		telephonic	Oral comments may be made by calling (360) 902-8084 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 April 26, 2022 will be considered.

**Date of intended adoption:** April 27, 2022 (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/online>

By (date) April 26, 2022

**Assistance for persons with disabilities:**

Contact DCYF Rules Coordinator

Phone: (360) 902-7956

Fax:

TTY:

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

Other:

By (date) April 22, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules:

- require requests for review of child abuse and neglect founded findings to be made as instructed in the founded finding notice and within 30 days of the date the alleged perpetrator receives the notice of founded finding;
- clarify that a founded finding decision may not be challenged further if a request for review is not made within 30 days after the alleged perpetrator receives the notice of founded finding; and

- require requests for administrative hearings of founded finding decisions to be made as instructed in the notice of decision and filed with the Office of Administrative Hearings no later than 30 days after a founded finding decision is received.

**Reasons supporting proposal:** The proposed rules incorporate content that is explicitly and specifically dictated by RCW 26.44.125.

**Statutory authority for adoption:** RCW 26.44.125(7)

**Statute being implemented:** RCW 26.44.125

**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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

If yes, CITATION: Rios-Garcia v. Dep't of Soc. & Health Servs., 18 Wn. App. 2d 660, 493 P.3d 143 (2021)

**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  Private  Public  Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Tarassa Froberg		(360) 515-8092
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: The proposals are exempt under RCW 34.05.328(5)(b)(v).

**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:

- |   |   |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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:

**Date:** March 11, 2022

**Name:** Brenda Villarreal

**Title:** DCYF Rules Coordinator

**Signature:**

