



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 18, 2023  
TIME: 9:01 AM

WSR 23-21-100

**Agency:** Department of Children, Youth & Families (DCYF)

**Original Notice**

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

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

**Preproposal Statement of Inquiry was filed as WSR 23-17-103 ; 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 110-30-0020 (What definitions apply to these rules?) and WAC 110-30-0050 (Who may receive child protective services?)

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
November 21, 2023		Telephonic	Make oral comments by calling 360-972-5385 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 November 21, 2023, will be considered

**Date of intended adoption:** November 22, 2023 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: DCYF Rules Coordinator

Address:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Fax:

Other:

By (date) November 21, 2023

**Assistance for persons with disabilities:**

Contact DCYF Rules Coordinator

Phone:

Fax:

TTY:

Email: dcyf.rulescoordinator@dcyf.wa.gov

Other:

By (date) November 16, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** DCYF is updating administrative rules in chapter 110-30 WAC and other related rules that govern its authority and processes for investigating referrals of alleged child abuse or neglect. These changes are being taken pursuant to chapter 441, laws of 2023 (ESSB 5515) which amended RCW 26.44.210.

**Reasons supporting proposal:** ESSB 5515 (2023), section 3(1)(c), requires DCYF to "adopt rules to implement this section." Section 3 of this bill amended RCW 26.44.210 to expand DCYF's investigative duties to include several new program types: the Washington center for deaf and hard of hearing, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.02(2)(o), and residential private schools (defined in subsection 3(3) of that same bill).

**Statutory authority for adoption:** Chapter 26.44 RCW, RCW 43.216.906, RCW 74.13.031, RCW 74.04.050, and chapter 441, laws of 2023 (ESSB 5515).

**Statute being implemented:** RCW 26.44.210

**Is rule necessary because of a:**

Federal Law?

Yes  No

Federal Court Decision?

Yes  No

State Court Decision?

Yes  No

If yes, CITATION:

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

**Type of proponent:**  Private  Public  Governmental

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

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Melissa Sayer		(360) 584-8666

Implementation:

Enforcement:

**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: 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 and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#).

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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:** October 18, 2023

**Name:** Brenda Villarreal

**Title:** DCYF Rules Coordinator

**Signature:**

**WAC 110-30-0020 What definitions apply to these rules?** The following definitions apply to this chapter.

**"Abuse or neglect"** means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter.

**"Administrative hearing"** means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 110-03 WAC.

**"Administrative law judge (ALJ)"** is an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency but not part of DCYF, employs the ALJs.

**"Alleged perpetrator"** means the person identified in a CPS referral as being responsible for the alleged child abuse or neglect.

**"Alternative response system"** means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

**"Appellant"** means a person who requests an administrative hearing to appeal a CPS finding.

**"Behavioral health services"** has the same meaning as in RCW 71.24.025.

**"Child protection team (CPT)"** means a multidisciplinary group of persons with at least four persons from professions that provide services to abused or neglected children and/or parents of such children. The CPT provides confidential case staffing and consultation to child welfare cases.

**"Child protective services (CPS)"** means the section of the department of children, youth, and families for responding to allegations of child abuse or neglect.

**"Child welfare programs (CWP)"** means the division in DCYF that provides child protective, child welfare, and support services to children and their families.

**"Department"** or **"DCYF"** means the Washington state department of children, youth, and families.

**"Finding"** means the final decision made by a CPS caseworker after an investigation regarding alleged child abuse or neglect.

**"Founded"** means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur.

**"Host home"** has the same meaning as in RCW 74.15.020.

**"Inconclusive"** means the determination following an investigation by CPS, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur. Beginning October 1, 2008, the department no longer makes inconclusive findings, but retains such findings made prior to that date as provided in these rules.

**"Licensing division (LD)"** means the division in DCYF responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities.

**"Mandated reporter"** means a person required to report alleged child abuse or neglect as defined in RCW 26.44.030.

"**Preponderance of evidence**" means the evidence presented in a hearing indicates more likely than not child abuse or neglect did occur.

"Residential private schools" has the same meaning as in RCW 26.44.210.

"**Screened-out report**" means a report of alleged child abuse or neglect that the department had determined does not rise to the level of credible report of abuse or neglect and is not referred for investigation.

"Substance use disorder" has the same meaning as in RCW 71.24.025.

"**Unfounded**" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur or there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

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

**WAC 110-30-0050 Who may receive child protective services?**

Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

- (1) By a parent, legal custodian, or guardian of the child;  
(~~(e)~~)
- (2) While attending the Washington center for deaf and hard of hearing youth;
- (3) While attending the state school for the blind;
- (4) In a state-operated facility;
- (5) In a DCYF or DSHS licensed(~~(r)~~) or certified(~~(r)~~ or state-operated) facility including, but not limited to:
  - (a) Substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis; and
  - (b) Entities that provide behavioral health services on a residential basis; (~~(e)~~  
~~(3))~~)
- (6) By persons or agencies subject to licensing under chapter 74.15 RCW, including, but not limited to:
  - (a) Host homes; and
  - (b) Individuals employed by or volunteers of such facilities; and
- (7) In residential private schools.