

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 finding, the alleged perpetrator must make a written request for CPS to review the founded CPS finding of child abuse or neglect. The CPS finding notice must provide the information regarding all steps necessary to request a review.))~~ Alleged perpetrators must request a review of their founded finding in writing by following the instructions in the founded finding letter.

(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. Alleged perpetrators may not further challenge the findings, if requests are not made within 30 days of receipt.

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.



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 04, 2022

TIME: 11:21 AM

WSR 22-17-011

Agency: Department of Children, Youth, and Families

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes No If Yes, explain:

Purpose:

- 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.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 110-30-0230 and WAC 110-30-0280
 Suspended:

Statutory authority for adoption: RCW 26.44.125(7)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-07-030 on 3/11/22 (date).
 Describe any changes other than editing from proposed to adopted version: WAC 110-30-0230(1) revised to refer to the instructions for requesting review that are included in Child Protective Services' founded finding letters.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

**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 | <u>2</u> | Repealed | ___ |
|-----|-----|---------|----------|----------|-----|

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | 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: August 4, 2022

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

