

WSR 24-08-044
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 28, 2024, 9:29 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend WAC 388-14A-4111, 388-14A-8110, 388-14A-8120, and other related rules as may be needed to reflect that the department of children, youth, and families (DCYF) administers the state's foster care program, rather than the department of social and health services (DSHS), and that DCS provides child support services on a foster care case when DCYF refers the case to DCS for action.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The two purposes of this proposal are to: (1) Make nonsubstantive technical changes in chapter 388-14A WAC in light of the formation of DCYF in July 2018 and that DCYF has administered the foster care program since that time, not DSHS; and (2) amend WAC 388-14A-8120 to clarify when DCS provides child support services on foster care cases. As currently written, WAC 388-14A-8120(1) states DCS provides child support services whenever DSHS provides residential care for a dependent child or children. Technical correction from DSHS to DCYF aside, further amendment to this section is appropriate. Subsequent to guidance issued by the federal Administration of Children and Families (ACF) Children's Bureau (CB) and Office of Child Support Services (OCSS), DCYF updated their criteria for what constitutes an appropriate referral to DCS. Far fewer cases meet DCYF's new criteria than met their prior criteria. It is now inaccurate to say DCS provides child support services whenever the department provides residential care services. To maintain compliance with the Title IV-D state plan, DCS maintains the legal framework to accept referrals from DCYF and provide child support services upon receipt of an appropriate referral from DCYF.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCS contacted DCYF regarding these proposed rule changes and will include them in all rule-making reviews and notifications.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those wishing to participate in developing the new rules are encouraged to contact Monica Turnbaugh at DSHS, DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS economic services administration's policy review website, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. Rule-making forms and draft rules may also be found on the DSHS filings and rules page at https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings?field_type_value=Preproposal+Statement+of+Inquiry+%28CR101%29&field_admincategory_value=Economic+Services. DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Monica Turnbaugh, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5339, fax 360-664-5342, TTY 1-800-833-6384, email Monica.Turnbaugh@dshs.wa.gov.

March 26, 2024
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