

**WAC 110-03-0270 Vacating an order of default or order of dismissal.** (1) A party may ask the ALJ to vacate (set aside) an order of default or dismissal that is not due to a party's failure to timely request a hearing to appeal a DCYF action, as provided in WAC 110-03-0260(1).

(2) An agreed order of dismissal may be vacated only upon proof that a party has violated a condition of the agreed order of dismissal.

(3) A request to vacate an order of default or dismissal based on a party's failure to attend or refusal to meaningfully participate in a prehearing conference or hearing must be filed with OAH within twenty-one calendar days after the date the order of default or dismissal was served. The order becomes a final order if no request is received by that date.

(a) A request to vacate an order of default or dismissal must specify why the party believes there is good cause for the order to be vacated.

(b) OAH will schedule a hearing on the request to vacate the order.

(c) At the hearing, the ALJ will receive brief statements and argument from the parties on whether there is good cause for an order of default or dismissal to be vacated.

(d) The ALJ will vacate an order of dismissal or order of default and will reinstate the hearing if the party requesting reinstatement shows good cause for the order to be vacated.

(e) The ALJ will deny a motion to vacate if the ALJ determines that good cause was not shown.

(f) Any motion to vacate an order of dismissal or default that is filed more than twenty-one days after the order of dismissal or default was served on the parties and their representatives will be denied.

[Statutory Authority: RCW 34.05.220, 43.216.020, and 43.216.065. WSR 20-02-031, § 110-03-0270, filed 12/19/19, effective 1/19/20.]