

WAC 110-03-0340 Introduction of evidence into the record. (1)

The ALJ may set a deadline before the hearing for the parties to provide proposed exhibits and names of witnesses to the ALJ and to all other parties. If the parties miss the deadline, the ALJ may refuse to admit the evidence unless the parties show:

- (a) They have good cause for missing the deadline; or
- (b) The other parties agree to waive the deadline.

(2) The ALJ may admit and consider hearsay evidence. Hearsay is a statement made outside of the hearing used to prove the truth of what is in the statement. Hearsay evidence is admissible if in the judgment of the ALJ it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

(3) The ALJ may reject evidence, if it:

- (a) Is not relevant;
- (b) Repeats evidence already admitted;
- (c) Is from a privileged communication protected by law; or
- (d) Is otherwise legally improper.

(4) Evidence regarding character or reputation is admissible if the notice of DCYF action alleges the party against whom the action is taken lacks the character to provide for the needs of any child in care or to have unsupervised access to any child in care. In all other proceedings, evidence regarding character or reputation is admissible as provided by law. In cases where such evidence is admissible, the ALJ must exercise reasonable control over the number of character witnesses to avoid duplication of testimony and evidence and needless consumption of time.

[Statutory Authority: RCW 34.05.220, 43.216.020, and 43.216.065. WSR 20-02-031, § 110-03-0340, filed 12/19/19, effective 1/19/20.]