

WSR 21-20-129
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed October 5, 2021, 5:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-09-148.

Title of Rule and Other Identifying Information: WAC 388-14A-2210

What is the procedure for service by certified mail due to COVID-19? Due to the COVID-19 pandemic, the United States Postal Service (USPS) has altered certified mail delivery practices to limit in-person contact for signatures. The division of child support (DCS) relies on the certified mail return receipt requested delivery method for service of various notices. Because these USPS practices do not have a projected end date at this time, DCS is proposing a permanent rule to ensure due process and adequate service under the modified USPS processes.

Hearing Location(s): On November 9, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>. Hearing will be held virtually. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most current information.

Date of Intended Adoption: Not earlier than November 10, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., November 9, 2021.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6198, fax 360-664-6185, 711 relay service, email tenczsa@dshs.wa.gov, by 5:00 p.m., October 26.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule will ensure due process for our clients when serving notices by certified mail return receipt requested in light of special USPS COVID-19 delivery procedures. The rule establishes criteria under which service is considered valid without a signature from the recipient.

Reasons Supporting Proposal: Service by certified mail return receipt requested has been a routine method for DCS for a number of years. Due to special USPS COVID-19 delivery procedures that limit in-person contact, direct signatures are no longer being obtained in all cases. This rule is necessary to continue to utilize certified mail as a valid method of service.

Statutory Authority for Adoption: RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: DSHS, economic services administration, DCS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brady Horenstein, DCS Rules Coordinator, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, 360-664-5291.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule relates only to internal governmental operations that are not subject to violation by a nongovernment party under RCW 34.05.328 (5)(b)(ii) and 34.05.328 (5)(b)(vii), and is concerning liability of care for dependents.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.025(4) and 34.05.328 (5)(b)(vii).

Explanation of exemptions: This proposal does not affect small businesses and is concerning liability for care of dependents.

October 5, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4802.4

NEW SECTION

WAC 388-14A-2210 What is the procedure for service by certified mail due to COVID-19? (1) The United States Postal Service has made temporary changes to its certified mail signature gathering procedures to limit direct contact with recipients. As long as these special signature gathering procedures remain in effect, the division of child support (DCS) will consider service by certified mail, return receipt requested when required under chapter 388-14A WAC to be successful 10 days after the following requirements are satisfied:

(a) The notice is sent by certified mail, return receipt requested, with restricted delivery to the noncustodial or custodial parent DCS is serving; and

(b) The postal service employee signs the receipt on behalf of the individual taking delivery as required by current postal service restricted delivery procedures.

(2) The individual taking delivery under section (1)(b) of this section is presumed to be the subject of service or the authorized agent of the subject.

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