

WSR 23-24-043

PERMANENT RULES

DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed November 30, 2023, 11:07 a.m., effective December 31, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of children, youth, and families is updating administrative rules in chapter 110-30 WAC and other related rules that govern its authority and processes for investigating referrals of alleged child abuse or neglect. These changes are being taken pursuant to chapter 441, Laws of 2023 (ESSB 5515) which amended RCW 26.44.210.

Citation of Rules Affected by this Order: Amending WAC 110-30-0020 and 110-30-0050.

Statutory Authority for Adoption: Chapter 26.44 RCW; RCW 43.216.906, 74.13.031, 74.04.050; and chapter 441, Laws of 2023 (ESSB 5515).

Adopted under notice filed as WSR 23-21-100 on October 18, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 30, 2023.

Brenda Villarreal
Senior Rules Coordinator

OTS-5033.1

AMENDATORY SECTION (Amending WSR 20-04-019, filed 1/27/20, effective 2/27/20)

WAC 110-30-0020 What definitions apply to these rules? The following definitions apply to this chapter.

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child as defined in RCW 26.44.020 and this chapter.

"Administrative hearing" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 110-03 WAC.

"Administrative law judge (ALJ)" is an impartial decision-maker who presides at an administrative hearing. The office of administrative hearings, which is a state agency but not part of DCYF, employs the ALJs.

"Alleged perpetrator" means the person identified in a CPS referral as being responsible for the alleged child abuse or neglect.

"Alternative response system" means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

"Appellant" means a person who requests an administrative hearing to appeal a CPS finding.

"Behavioral health services" has the same meaning as in RCW 71.24.025.

"Child protection team (CPT)" means a multidisciplinary group of persons with at least four persons from professions that provide services to abused or neglected children and/or parents of such children. The CPT provides confidential case staffing and consultation to child welfare cases.

"Child protective services (CPS)" means the section of the department of children, youth, and families for responding to allegations of child abuse or neglect.

"Child welfare programs (CWP)" means the division in DCYF that provides child protective, child welfare, and support services to children and their families.

"Department" or **"DCYF"** means the Washington state department of children, youth, and families.

"Finding" means the final decision made by a CPS caseworker after an investigation regarding alleged child abuse or neglect.

"Founded" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did occur.

"Host home" has the same meaning as in RCW 74.15.020.

"Inconclusive" means the determination following an investigation by CPS, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur. Beginning October 1, 2008, the department no longer makes inconclusive findings, but retains such findings made prior to that date as provided in these rules.

"Licensing division (LD)" means the division in DCYF responsible for licensing group care and foster care facilities, and responding to allegations of abuse or neglect in such facilities.

"Mandated reporter" means a person required to report alleged child abuse or neglect as defined in RCW 26.44.030.

"Preponderance of evidence" means the evidence presented in a hearing indicates more likely than not child abuse or neglect did occur.

"Residential private schools" has the same meaning as in RCW 26.44.210.

"Screened-out report" means a report of alleged child abuse or neglect that the department had determined does not rise to the level of credible report of abuse or neglect and is not referred for investigation.

"Substance use disorder" has the same meaning as in RCW 71.24.025.

"Unfounded" means the determination following an investigation by CPS that based on available information it is more likely than not that child abuse or neglect did not occur or there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-30-0050 Who may receive child protective services?

Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

- (1) By a parent, legal custodian, or guardian of the child;
- ~~((or))~~
- (2) While attending the Washington center for deaf and hard of hearing youth;
- (3) While attending the state school for the blind;
- (4) In a state-operated facility;
- (5) In a DCYF or DSHS licensed(~~(, or state-operated)~~) facility including, but not limited to:
 - (a) Substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis; and
 - (b) Entities that provide behavioral health services on a residential basis; (~~or~~
 - ~~(3-))~~ (6) By persons or agencies subject to licensing under chapter 74.15 RCW, including, but not limited to:
 - (a) Host homes; and
 - (b) Individuals employed by or volunteers of such facilities; and
 - (7) In residential private schools.