

WSR 15-05-019
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed February 9, 2015, 9:25 a.m.]

Title of Rule and Other Identifying Information: WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding?, this rule states how children's administration (CA) staff will notify an alleged perpetrator of the outcome of a child protection services (CPS) investigation.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, or deliver to 1115 Washington, Olympia, WA 98504, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, AND RECEIVED BY April 21, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The anticipated effect will be that the department will attempt personal service of founded findings, not unfounded findings. Alleged perpetrators will continue to receive notice of the unfounded finding by certified mail to their last known address.

Reasons Supporting Proposal: WAC 388-15-069 was recently amended in January 2015. During that review process the word "founded" was inadvertently left out. This change clarifies that CA staff will make an additional attempt via personal service when the CPS "founded" findings letter is returned and the department is actively working with that person. The January 2015 amendment as currently written has a significant fiscal impact on the agency and therefore this emergency amendment needs to be implemented immediately. Other minor editing changes are being made for consistency within the rule.

Statutory Authority for Adoption: RCW 26.44.100.

Statute Being Implemented: Chapter 26.44 RCW.

Rule is necessary because of federal law, P.L. 93-247, P.L. 111-320.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Sandra Surface, P.O. Box 45710, Olympia, WA 98504, (360) 902-0239.

February 6, 2015
 Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-099, filed 12/17/14, effective 1/17/15)

WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding? (1) CPS notifies the alleged perpetrator of the finding by sending the CPS finding notice via certified mail, return receipt requested, to the last known address. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

(2) When CA is actively working with the ((~~subject~~)) alleged perpetrator and the certified mail sent pursuant to subsection (1) of this section is returned, CA will attempt to personally serve the CPS founded findings letter to the ((~~subject~~)) alleged perpetrator.