

WSR 21-16-078
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 2, 2021, 9:08 a.m., effective August 5, [2021]]

Effective Date of Rule: August 5[, 2021].

Purpose: Due to the ongoing national and state emergency relating to COVID-19, the United States Postal Service (USPS) made temporary changes to its certified mail signature gathering procedures to limit direct contact with recipients. This emergency WAC clarifies that these temporary procedures employed by USPS are acceptable for purposes of certified mail service. The division of child support has filed a CR-101 and is currently working with internal and external stakeholders on permanent rule making on this subject. On July 16, 2021, USPS issued updated guidance to its employees that unvaccinated mail carriers should still wear masks and maintain social distancing. Additionally, on July 27, 2021, the Centers for Disease Control and Prevention (CDC) issued new guidance encouraging vaccinated people to wear masks and maintain social distancing even indoors in settings of high risk. As a result of these recent updates, special COVID-19 delivery practices for certified mail will likely continue.

Citation of Rules Affected by this Order: New WAC 388-14A-2210.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: USPS certified mail delivery procedures have already been changed. This has had an immediate effect on our ability to serve notices by certified mail. This emergency rule will ensure child support enforcement actions can continue, providing crucial financial resources to clients. Additional and more recent guidance from USPS and CDC in July 2021 means mail carriers will continue to exercise these special delivery practices. The department is proceeding with permanent adoption, filed the CR-101 under WSR 20-09-148, has been working on proposed language, and plans to file a CR-102 proposal shortly.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 1, Amended 0, 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 1, Amended 0, Repealed 0.

Date Adopted: July 30, 2021.

Katherine I. Vasquez

SHS-4802.2

NEW SECTION

WAC 388-14A-2210 What is the procedure for service by certified mail during the COVID-19 emergency? (1) Due to the ongoing national and state emergency relating to COVID-19, 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 ten 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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