

WSR 21-20-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed September 28, 2021, 10:47 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend WAC 388-14A-4300, 388-14A-4301, 388-14A-4302, 388-14A-4303, and 388-14A-4304 to clarify applicable lookback periods and statutes of limitations for daycare expenses under *In re the Marriage of Blackburn*, 12 Wn.App.2d. 798, 460 P.3d 202 (2020). DCS is also considering changes regarding the circumstances in which a daycare overpayment hearing is applicable, various hearing procedures, and how notices are sent by DCS and the office of administrative hearings. DCS may also make other changes as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.19.080, 26.23.035, 26.23.110, 34.05.220, 74.08.090, 74.20A.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to ensure compliance with recent case law regarding the lookback periods and statutes of limitations that apply to claims for daycare expenses that were previously paid. Rules are also necessary to improve efficiencies and clarify daycare-related hearing and notice policies and procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein at the department of social and health services (DSHS) DCS headquarters as soon as possible. Rule-making forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the distribution list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brady Horenstein, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email Brady.Horenstein@dshs.wa.gov.

September 28, 2021
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Rules Coordinator