

WSR 22-17-011
PERMANENT RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed August 4, 2022, 11:21 a.m., effective September 4, 2022]

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

Purpose:

- Require requests for review of child abuse and neglect founded findings to be made as instructed in the founded finding notice and within 30 days of the date the alleged perpetrator receives the notice of founded finding;
- Clarify that a founded finding decision may not be challenged further if a request for review is not made within 30 days after the alleged perpetrator receives the notice of founded finding; and
- Require requests for administrative hearings (OAH) of founded finding decisions to be made as instructed in the notice of decision and filed with OAH no later than 30 days after a founded finding decision is received.

Citation of Rules Affected by this Order: Amending WAC 110-30-0230 and 110-30-0280.

Statutory Authority for Adoption: RCW 26.44.125(7).

Adopted under notice filed as WSR 22-07-030 on March 11, 2022.

Changes Other than Editing from Proposed to Adopted Version: WAC 110-30-0230(1) revised to refer to the instructions for requesting review that are included in child protective services' founded finding letters.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 4, 2022.

Brenda Villarreal
Rules Coordinator

OTS-3074.5

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

WAC 110-30-0230 How ((does an)) do alleged perpetrators challenge ((a)) their founded CPS findings? (1) ((In order to challenge a

~~founded CPS finding, the alleged perpetrator must make a written request for CPS to review the founded CPS finding of child abuse or neglect. The CPS finding notice must provide the information regarding all steps necessary to request a review.)) Alleged perpetrators must request a review of their founded finding in writing by following the instructions in the founded finding letter.~~

~~(2) ((The)) Alleged perpetrators must request ((must be provided to the same CPS office that sent)) the CPS review of their founded CPS finding notice within ((thirty)) 30 calendar days from the date ((the alleged perpetrator receives the CPS finding notice (RCW 26.44.125)) they received it. Alleged perpetrators may not further challenge the findings, if requests are not made within 30 days of receipt.~~

[WSR 18-14-078, recodified as § 110-30-0230, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 26.44.125 (2) and (4). WSR 13-17-126, § 388-15-085, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-085, filed 7/16/02 and 8/14/02, effective 2/10/03.]

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

WAC 110-30-0280 What happens if CPS management does not change ((the)) founded CPS findings after their reviews? (1) If CPS management does not change ((the)) founded CPS findings after their review, ((the)) alleged perpetrators ((has)) have the right to further challenge ((that finding)) CPS management's decision by requesting an administrative hearing.

(2) ((The)) Requests for ((a)) administrative hearings must be in writing and ((sent to)) filed with the office of administrative hearings ((. WAC 110-03-0070 lists the current address)) (OAH) as instructed in the notice of the CPS management review decision.

(3) ((The office of administrative hearings must receive the written request for a hearing within thirty)) Requests for administrative hearings with the OAH must be filed within 30 calendar days from the date that the ((person requesting the hearing receives)) alleged perpetrators received the CPS management review decision.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0280, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0280, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-105, filed 7/16/02 and 8/14/02, effective 2/10/03.]