

**WSR 23-17-160  
PERMANENT RULES  
DEPARTMENT OF  
CHILDREN, YOUTH, AND FAMILIES**

[Filed August 23, 2023, 9:28 a.m., effective September 23, 2023]

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

Purpose: The department of children, youth, and families is amending these rules to provide governance when transferring individuals convicted as adults to the department of corrections.

Citation of Rules Affected by this Order: New WAC 110-745-0010; and amending WAC 110-745-0020, 110-745-0030, 110-745-0040, 110-745-0050, and 110-745-0060.

Statutory Authority for Adoption: RCW 13.40.280, 72.01.410.

Adopted under notice filed as WSR 23-15-104 on July 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 23, 2023.

Brenda Villarreal  
Rules Coordinator

**OTS-4727.4**

**Chapter 110-745 WAC  
TRANSFER OF ((~~JUVENILE OFFENDER~~)) INDIVIDUAL TO THE DEPARTMENT OF CORRECTIONS**

NEW SECTION

**WAC 110-745-0010 Applicable transfers.** WAC 110-745-0020 through 110-745-0060 apply only to transfers pursuant to RCW 13.40.280.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

**WAC 110-745-0020 Notification to ((juvenile)) proposed transferred individual.** ((~~A juvenile~~)) (1) Individuals in the custody of the

department being considered for transfer to DOC ~~((shall))~~ must be notified in writing at least ~~((five))~~ seven calendar days in advance of the review board hearing convened to consider the matter.

(2) The written notification ~~((to the juvenile offender will))~~ must include the reasons the transfer is being considered and a copy of the rules pertaining to the review board hearing.

(3) Prior to any review board hearing, ~~((the juvenile))~~ individuals being considered for transfer to DOC, or ~~((the juvenile's))~~ their attorney, ~~((shall))~~ will have the right ~~((of))~~ to access ~~((to, and adequate opportunity to))~~ and examine any department files or records ~~((of the department))~~ pertaining to the proposed transfer of the ~~((juvenile))~~ individual to the ~~((department of corrections))~~ DOC.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

**WAC 110-745-0030 Composition of board.** The review board will be composed of the ~~((director of DJR))~~ assistant secretary of juvenile rehabilitation division (JRD) or designee who will serve as the chairperson, and two ~~((other juvenile rehabilitation))~~ JRD administrators appointed by the ~~((chairman))~~ chairperson. The chairperson may also appoint up to three members of the department's legal office to serve on the review board. In the event of a tie vote, the chairperson or designee will act as the tiebreaker.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

**WAC 110-745-0040 ~~((Attendance at))~~ Conduct of hearing.** (1) Attendance at a review board ~~((shall))~~ hearing will be limited to parties directly concerned.

(2) The chairperson may exclude unauthorized persons unless the parties agree to their presence.

(3) Parties ~~((shall))~~ will have the right to present evidence, cross-examine witnesses, and make recommendations to the board.

~~((All relevant and material evidence is admissible which, in the opinion of the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.))~~ (4) The hearing must be recorded manually or by a suitable recording device.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

**WAC 110-745-0050 Consideration of evidence.** (1) The review board must consider all evidence presented at the hearing by assessing the relevance, credibility, and usefulness of the evidence.

(2) At the conclusion of the hearing, the review board will consider all evidence presented and ~~((make a decision))~~ decide whether continued placement of the ~~((juvenile offender in an))~~ individual in a juvenile rehabilitation institution ~~((for juvenile offenders))~~

presents a continuing and serious threat to the safety of others in the institution.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

**WAC 110-745-0060 Record of decision.** The ~~((chair of the))~~ review board will prepare a written record of the decision and reasons ~~((therefore))~~ no later than seven calendar days after the hearing, unless extended by the secretary. ~~((The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.))~~