

WSR 23-12-023

PERMANENT RULES

DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed May 26, 2023, 9:19 a.m., effective July 1, 2023]

Effective Date of Rule: July 1, 2023.

Purpose: Rules are needed for the delivery of child welfare services and, more specifically, for the department of children, youth, and families (DCYF) to better identify when to apply state and federal Indian Child Welfare Acts, codified as chapter 13.38 RCW and 25 U.S.C. ch. 21 respectively. This rule making will address issues identified in the court's opinion in Matter of Dependency of Z.J.G., 196 Wn.2d 152, 471 P. 3d 853 (2020).

Citation of Rules Affected by this Order: Amending WAC 110-110-0010.

Statutory Authority for Adoption: RCW 74.08.090; chapter 13.38 RCW; and 25 U.S.C. chapter 21.

Adopted under notice filed as WSR 23-08-084 on April 5, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: May 26, 2023.

Brenda Villarreal  
Rules Coordinator

OTS-4324.3

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

**WAC 110-110-0010 Foster care planning for Indian children—Definitions.** For the purposes of this section through WAC 110-110-0100, the term "Indian child" is defined as any unmarried and unemancipated Indian person who is under age (~~(eighteen)~~) 18 and is, as determined by the Indian child's tribe or tribes, one of the following:

- (1) A member of an Indian tribe; or
- (2) Is eligible for membership in an Indian tribe (~~((and is the biological child of a member of an Indian tribe))~~).

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-110-0010, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-110-0010, filed 6/29/18, effective 7/1/18. Statutory Authority:

RCW 74.08.090, chapter 13.38 RCW, and 25 U.S.C. chapter 21. WSR 16-13-151, § 388-70-091, filed 6/22/16, effective 7/23/16; Order 1167, § 388-70-091, filed 10/27/76.]