

WSR 23-15-104
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed July 18, 2023, 4:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-11-033.

Title of Rule and Other Identifying Information: WAC 110-745-0020 Notification to juvenile, 110-745-0030 Composition of board, 110-745-0040 Attendance at hearing, 110-745-0050 Consideration of evidence, and 110-745-0060 Record of decision.

Hearing Location(s): On August 22, 2023, telephonic. Make oral comments by calling 360-972-5385.

Date of Intended Adoption: August 23, 2023.

Submit Written Comments to: Department of children, youth, and families (DCYF) rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by August 22, 2023.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-902-7956, email dcyf.rulescoordinator@dcyf.wa.gov, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>, by August 17, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DCYF is amending these rules to provide governance when transferring individuals convicted as adults to the department of corrections.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 13.40.280, 72.01.410.

Statute Being Implemented: RCW 13.40.280, 72.01.410.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Andrea Ruiz, Olympia, Washington, 360-764-0221; Implementation and Enforcement: DCYF, statewide.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328 (5)[(a)](i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

July 18, 2023
Brenda Villarreal
Rules Coordinator

OTS-4727.4

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

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 transfer-red 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.

[WSR 19-14-079, recodified as § 110-745-0020, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-020, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-020, filed 4/30/84.]

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.

[WSR 19-14-079, recodified as § 110-745-0030, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-030, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-030, filed 4/30/84.]

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.

[WSR 19-14-079, recodified as § 110-745-0040, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-040, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-040, filed 4/30/84.]

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.

[WSR 19-14-079, recodified as § 110-745-0050, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-050, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-050, filed 4/30/84.]

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, un-

less extended by the secretary. (~~The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.~~)

[WSR 19-14-079, recodified as § 110-745-0060, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-060, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-060, filed 4/30/84.]