

WSR 25-08-009
PROPOSED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed March 20, 2025, 1:31 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Chapter 110-03 WAC, Administrative hearings; WAC 110-03-0585 Index of significant decisions.

Hearing Location(s): On May 6, 2025, telephonic. Comments can be made by calling 360-972-5385 and leaving a voicemail that includes the comment, emailing the rules coordinator, or submitting comments to the online comment application linked below. All comments must be received by the date and time listed below.

Date of Intended Adoption: May 7, 2025.

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>, beginning April 3, 2025, at 8:00 a.m., by May 6, 2025, at 11:59 a.m.

Assistance for Persons with Disabilities: Contact DCYF rules coordinator, phone 360-522-3691, email dcyf.rulescoordinator@dcyf.wa.gov, by April 22, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The administrative services division is updating the address where parties can legally serve the board of appeals (BOA) as of June 2, 2025, as well as other minor formatting changes.

Reasons Supporting Proposal: Providing accurate address and contact information for BOA informs the public where they can legally serve and how they can communicate with BOA.

Statutory Authority for Adoption: RCW 34.05.220, 43.216.020, and 43.216.065.

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

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Tyler Farmer, 360-628-2151; 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.

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 only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Scope of exemption for rule proposal:

Is fully exempt.

March 20, 2025
Brenda Villarreal
Rules Coordinator

RDS-6238.2

AMENDATORY SECTION (Amending WSR 24-03-025, filed 1/5/24, effective 2/5/24)

WAC 110-03-0585 Index of significant decisions. (1) The department's index of significant decisions, prepared under RCW 42.56.070(~~(+5)~~), contains BOA orders that include an analysis or decision of substantial importance to the department in carrying out its duties.

(2) A final order may be relied upon, used or cited as precedent by a party if the final order has been indexed in the department's index of significant decisions.

(3) The department selects the orders to be included in its "index of significant decisions" based on recommendations from staff and the public. Generally, a decision or order is considered "significant" only if it provides a legal analysis or interpretation not found in existing case law, or applies settled law to unusual facts. The index of significant decisions will include orders meeting the criteria in this subsection and subsection(~~(s)~~) (1) (~~(and (3))~~) of this section, issued by the department.

(4) The index will, at a minimum, contain the case or document number; type of document; name of parties, if applicable, unless such names are exempt from public disclosure; brief description of subject and program; and pertinent legal citation.

(5) Any person may nominate a BOA order to be evaluated for indexing by submitting the request, reason why the person believes an order should be indexed, and a copy of the nominated order to the Board of Appeals, P.O. Box 40982, Olympia, WA 98504. The department will make a final decision as to whether to index the nominated order, and that decision is not appealable.

(6) The department will periodically update and review the index to verify that the indexed documents continue to meet the criteria in subsections (1) and (3) of this section. The department may, at any time, delete a document from an index. Under RCW 42.56.070(~~(+6)~~), a public record may not be cited in a proceeding if it has not been indexed.

(7) The index is a public record and is available for public inspection at (~~(https://dcyf.wa.gov/board-of-appeals)~~) the department board of appeals website. The index of significant decisions is located at the Board of Appeals, (~~(1310)~~) 1500 Jefferson St. S.E., Olympia, WA 98501.