

WAC 110-03-0530 Requesting review of the initial order. (~~(1)~~) A party must file the review request (petition for review) in writing and it should:

~~(a) Clearly identify the parts of the initial order with which the party disagrees; and~~

~~(b) Clearly present arguments and refer to evidence in the record supporting the party's position.~~

~~(2) The petition for review must be filed with the BOA and the party requesting review must serve copies on the other parties and their representatives and OAH at the same time the petition is filed.~~

~~(3) Instructions for obtaining a review will be sent with the initial order. Depending on how the petition is filed, use the following contact information:~~

~~(a) Mailing address:~~

~~DCYF Board of Appeals
P.O. Box 40982
Olympia, WA 98504-0982;~~

~~(b) Fax: 360-586-5934;~~

~~(c) Email: Call the BOA at 360-902-0278 and request access to the secure email portal; or~~

~~(d) Physical address:~~

~~DCYF Board of Appeals
1115 Washington Street Southeast
Olympia, WA 98501~~

~~(4) The contact information in this subsection is current as of the effective date of these rules; however, parties should file documents using the address or fax information received with the initial order if it is different from the information provided here.~~

~~(5) The DCYF board of appeals can be contacted by phone at: 360-902-0278.)~~

(1) A party may request review of their initial order by filing a written request, known as a petition for review. A petitioner must follow the instructions included with their initial order when petitioning for review.

(2) A petition for review should state the:

(a) Specific parts of the initial order with which the party disagrees;

(b) Reasons why they disagree; and

(c) The specific evidence in the record that supports their position.

(3) A party filing a petition for review must serve a copy of their petition for review on OAH and the other parties and their representatives at the same time their petition for review is filed with the BOA.

(4) A petition for review must be filed with the BOA using one of the following methods:

(a) Mail to:

DCYF Board of Appeals
P.O. Box 40982
Olympia, WA 98504-0982;

(b) Fax: 360-586-5934;

(c) Email: Call the BOA at 360-902-0278 and request access to the secure email portal; or

(d) Personal service: The physical address where the BOA may be served is identified on the BOA website and in the initial order's instructions for petitioning for review. Parties filing by personal service are encouraged to first call the BOA at 360-902-0278 to arrange for someone to accept service.

(5) The contact information in this section is current as of the effective date of these rules. Any necessary updates are made to the initial orders' instructions for petitioning for review when changes occur.

(6) The DCYF board of appeals can be contacted by telephone at: 360-902-0278.

AMENDATORY SECTION (Amending WSR 21-11-078, filed 5/18/21, effective 6/18/21)

WAC 110-03-0590 Judicial review. (1) Judicial review is the process of appealing ((a)) final agency orders to a superior court.

(2) Any party, except DCYF, may appeal a final order by filing a written petition for judicial review in superior court pursuant to RCW 34.05.514 that meets the requirements of RCW 34.05.546. The petition must be properly filed and served, as required by RCW 34.05.542, within ((thirty)) 30 calendar days of the date the review judge serves the final order in the case. However, as provided by RCW 34.05.470, if a petition for reconsideration has been properly filed, the ((thirty)) 30 day period does not commence until the agency disposes of the petition for reconsideration. ((Copies)) A copy of the petition must be served on DCYF, the office of the attorney general, and all other parties at the same time the petition is filed.

(3) To serve DCYF, a copy of the petition must be delivered to the DCYF secretary ((of DCYF)) or ((to the DCYF)) the BOA. The petition must be either hand delivered, mailed with proof of receipt, or sent by secure email.

(a) The physical location of the secretary is:

DCYF Office of the Secretary
1500 Jefferson Street Southeast
Olympia, WA 98501

The mailing address of the secretary is:

DCYF Office of the Secretary
P.O. Box 40975
Olympia, WA 98504-0975

(b) The ((physical location and)) mailing address for the DCYF BOA ((are as)) is stated in WAC 110-03-0530.

(c) To serve by email, call the BOA at 360-902-0278 and request access to the secure email portal.

(4) Service on the office of the attorney general and other parties of a copy of the petition for judicial review may be made at the following locations:

(a) The office of the attorney general may be served personally or by delivery at:

Office of the Attorney General
7141 Cleanwater Drive S.W.
Tumwater, WA 98501

The mailing address of the office of the attorney general is:

Office of the Attorney General
P.O. Box 40124
Olympia, WA 98504-0124

(b) Each party must be served at each party's address of record.

(5) A party may file a petition for judicial review only after it has exhausted administrative remedies, as provided under RCW 34.05.534.

(6) Filing a petition for judicial review of a final order does not stay the effectiveness of the final order.



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 15, 2022

TIME: 11:51 AM

WSR 22-17-066

Agency: Department of Children, Youth, and Families

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Update the instructions for petitioning for review of initial administrative hearing orders necessitated by the department's Board of Appeals' move to a new address.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 110-03-0530 and 110-03-0590

Suspended:

Statutory authority for adoption: RCW 34.05.220, 43.216.020, and 43.216.065

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-13-159 on 6/21/2022 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>2</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>2</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: August 15, 2022

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

