



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 15, 2022
TIME: 3:42 PM

WSR 22-23-093

Agency: Department of Children, Youth, and Families

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR** [22-04-056](#) and [22-18-062](#) ; or
- Expedited Rule Making--Proposed notice was filed as WSR** [22-18-061](#); or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject)

DCYF is amending :

- WAC 110-80-0260 What are the consequences of an adopted child being placed in foster care?
- WAC 110-50-0300 What cases must be referred to the division of child support (DCS)?
- WAC 110-50-0320 What constitutes good cause for not pursuing the collection or establishment of child support or paternity?

DCYF is repealing WAC 110-50-0310 Does children's administration refer foster care cases to the division of child support where good cause exists?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 27, 2022		telephonic	Oral comments may be made by calling (360) 972-5385 and leaving a voicemail that includes the comment and an email or physical mailing address where DCYF will send its response. Comments received through and including December 27, 2022 will be considered

Date of intended adoption: December 29, 2022 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: DCYF Rules Coordinator
 Address:
 Email: dcyf.rulescoordinator@dcyf.wa.gov
 Fax:
 Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>
 By (date) December 27, 2022

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator
 Phone: 360) 522-3691
 Fax:
 TTY:
 Email: dcyf.rulescoordinator@dcyf.wa.gov
 Other: <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>
 By (date) December 23, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: DCYF is making changes regarding referrals to the Division of Child Support when children are placed into the care of DCYF. DCYF had an automatic referral process to start collecting child support 72 hours after a child or youth is removed from the parents' or guardians' care and custody, unless good cause existed to not pursue collection. DCYF is revising good cause criteria to minimize the number of referrals to the Division of Child Support.

Reasons supporting proposal: These changes are being made to help to alleviate financial hardship and other barriers families often experience, which in turn helps reunify and stabilize children and their families sooner. In addition, the Governor's Office has included minimized referrals as a cost-savings in the 2022 budget proposal.

Statutory authority for adoption: RCW 74.20.040

Statute being implemented: RCW 74.20.040

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: Private Public Governmental
Name of proponent: (person or organization) Department of Children, Youth, and Families

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Tara Camp	Olympia	(509-823-7503)
Implementation:	DCYF	statewide	
Enforcement:	DCYF	statewide	

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No
 If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Other:

No: Please explain: 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)(i). Further, DCYF does not voluntarily make that section applicable to the adoption of this rule.

Regulatory Fairness Act and Small Business Economic Impact Statement
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
 Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: This proposed rule does not impact small business as defined in RCW 19.85.020

(2) Scope of exemptions: *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: November 15, 2022

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-50-0300 ((What)) When will cases ((must)) be referred to the division of child support (DCS)? ((Each case where the department participates in the payment of foster care must be referred to the division of child support, except when:

(1) ~~Collection would not be cost effective, including placements of seventy-two hours or less;~~

(2) ~~Collection is exempt by law; or~~

(3) ~~A child with developmental disabilities is eligible for admission to or discharged from a residential habilitation center as defined by RCW 71A.10.020(8), unless the child is placed as a result of an action taken under chapter 13.34 RCW.)~~ (1) The department will refer cases to DCS when a court has made a finding of abandonment as defined in RCW 13.34.030, unless good cause exists.

(2) Nothing in this section prohibits a parent, guardian, or relative from pursuing child support by contacting DCS directly.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-50-0320 What constitutes good cause for not pursuing the collection or establishment of child support or paternity? ((Children's administration uses the following criteria to determine whether sufficient good cause exists for requesting that DCS not pursue collection or establish child support or paternity on foster care cases:)) Good cause for not pursuing the collection of child support or establishing paternity exists when:

(1) It is not in the child's or youth's best interest; and

(2) The parent or ((other legally obligated person)) guardian, or the ((parent or other person's)) parent's or guardian's child or youth, spouse, or spouse's child or youth was the victim of the offense for which the child or youth was committed to the custody of the juvenile rehabilitation ((administration (JRA))) division (JRD) and the child or youth is being placed directly into foster care from a ((JRA)) JRD facility until this placement episode closes;

(3) Adoption proceedings for the child or youth are pending in court or the custodial parent or guardian is being helped by a private or public agency to decide if the child or youth will be placed for adoption;

(4) The child or youth was conceived as a result of incest or rape ((and establishing paternity would not be in the child's best interest));

(5) The juvenile or tribal court in ((the)) dependency proceedings or the department finds that the parents or guardians will be unable to comply with an agreed reunification plan with the child or youth due to ((the)) financial hardship caused by paying child support ((. The social worker also may determine that financial hardship caused by paying child support will delay or prevent family reunification; or));

(6) The custodial parent ((and/or)) or guardian or the child or youth may be placed in danger as a result of the presence of or poten-

tial for domestic abuse perpetrated by the (~~person that the division of child support~~) individual that DCS would be pursuing for collection action;

(7) The child support obligation would result in a financial hardship for parents or guardians because the child's or youth's household was low income at the time of removal; or

(8) The parent of a newborn child abandons the child by transferring the child to a qualified individual at an appropriate location, per RCW 26.20.030.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 110-50-0310	Does children's administration refer foster care cases to the division of child support where good cause exists?
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AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-80-0260 What are the consequences of an adopted child being placed in foster care? (~~(1) If a child is on active status with Washington state's adoption support program and the department places the child in foster care, the department is required to refer the case to the division of child support and the program may report that good cause exists for not pursuing collection of support payments.~~

~~(2))~~ The department may review the adoption support agreement and may renegotiate the amount of any cash payments to the adoptive parent during the child's out-of-home placement.