



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 29, 2022

TIME: 4:48 PM

WSR 23-02-043

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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

- Yes
 - No
- If Yes, explain:

Purpose: DCYF will be making changes to the child welfare WACs in Chapter 110-50 WAC and WAC 110-80-0260 regarding referrals to the Division of Child Support when children are placed into DCYF's care. Currently DCYF refers all children, unless good cause exists to not pursue collection. DCYF wants to revise the types of cases being referred and the good cause criteria to minimize the number of referrals made to the Division of Child Support. 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.

Citation of rules affected by this order:

- New:
- Repealed: WAC 110-50-0310
- Amended: WAC 110-80-0260, 110-50-0300, and 110-50-0320
- Suspended:

Statutory authority for adoption: RCW 74.20.040

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Children and youth have not exited DCYF care as quickly as they did before the pandemic. New COVID variants are always a possibility, such as the emergence of the BA.5 strain this summer. The ongoing emergence of new COVID-19 variants can and has caused COVID-related backlogs of court cases and postponed DCYF services to children and families, including but not limited to parental education, drug and alcohol treatment, and domestic violence counseling. DCYF's child support payment process, in existence long before the pandemic, can lead to prolonged debt and prevent parents' ability to maintain or obtain suitable housing or other resources needed for family reunification. In late 2021, families lost the financial security provided by the state's COVID-relayed eviction moratorium, causing additional financial hardships for families already financially challenged by child support collection. Immediate changes to the child support payment process will alleviate some of the COVID-related financial hardships families can face and allow family reunification to occur sooner. Furthermore, the Governor's 2022 budget supports these changes, which are included as a cost savings. This emergency rulemaking was initially filed under [WSR 22-18-061](#) on September 1, 2022. Since the first emergency filing, a public hearing has been scheduled for December 27, 2022 under [WSR 22-23-093](#).

**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	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>3</u>	Repealed	<u>1</u>
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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: December 29, 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.