



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services,

- Preproposal Statement of Inquiry was filed as WSR: 14-14-119; or
- Expedited Rule Making--Proposed notice was filed as WSR: ___; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR:
- Continuance of WSR:

Title of rule and other identifying information: (Describe Subject)

WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within 30 days? And WAC 388-15-069 How does CPS Notify the alleged perpetrator of the finding?

Hearing location(s):

Office Building 2 – Lookout Room
DSHS Headquarters
1115 Washington
Olympia, WA 98504
Public parking at 11th and Jefferson. A map is available at:
<http://www1.dshs.wa.gov/msa/rpau/RPAU-OB-2directions.html>

Date: September 23, 2014 Time: 10:00 a.m.

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850
Olympia, WA 98504
e-mail DSHSRPAURulesCoordinator@dshs.wa.gov
fax (360) 664-6185
by: 5:00 pm on September 23, 2014

Assistance for persons with disabilities: Contact Jeff Kildahl, DSHS Rules Consultant by September 9, 2014
TTY (360) 664-6178 or (360) 664-6092 or by email at Kildaja@dshs.wa.gov

Date of intended adoption: Not earlier than September 24, 2014
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In WAC 388-15-089, CA needs to replace “twenty days” with “thirty days” to accurately reflect the new 30 day appeal deadline for CAPTA internal review requests. This change will better align with the federal requirements. 388-15-085 and 388-15-093 were already changed to reflect the correct timeframe.

In WAC 388-15-069, CA needs to remove the language stated in 2) “In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver or have service the CPS finding notice to the alleged perpetrator. This is being deleted as it is not required per RCW 26.44.100.

Reasons supporting proposal: See above

Statutory authority for adoption: RCW 26.44.100

Statute being implemented: P.L. 111-320; The CAPTA Reauthorization Act of 2010

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:
P.L. 111-320; The CAPTA Reauthorization Act of 2010

DATE
August 14, 2014

NAME (type or print)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 20, 2014

TIME: 10:10 AM

WSR 14-17-126

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

None

Name of proponent: (person or organization) Department of Social and Health Services

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Keli Drake	DSHS Headquarters, 1115 Washington, Olympia, WA 98504	(360)902-7871
Implementation....Keli Drake	DSHS Headquarters, 1115 Washington, Olympia, WA 98504	(360)902-7871
Enforcement..... Keli Drake	DSHS Headquarters, 1115 Washington, Olympia, WA 98504	(360)902-7871

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:

Phone: ()
Fax: ()
e-mail

No. Explain why no statement was prepared. Rules are adopted without material change and ensure WACs are consistent with federal requirements and consistent with RCW 26.44.100.

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: ()
e-mail:

No: Please explain: CBA is not required under RCW 34.05.328 subsection (5)(b) iii. Rules adopted by reference without material change to ensure the WACs are consistent with federal requirements and consistent with RCW 26.44.100. The rule content is dictated by statute.

AMENDATORY SECTION (Amending WSR 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03)

WAC 388-15-069 How does CPS notify the alleged perpetrator of the finding? (1) CPS notifies the alleged perpetrator of the finding by sending the CPS finding notice via certified mail, return receipt requested, to the last known address. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

~~((2) In cases where certified mailing may not be either possible or advisable, the CPS social worker may personally deliver or have served the CPS finding notice to the alleged perpetrator.))~~

AMENDATORY SECTION (Amending WSR 02-15-098 and 02-17-045, filed 7/16/02 and 8/14/02, effective 2/10/03)

WAC 388-15-089 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within ~~((twenty))~~ thirty days? (1) If the alleged perpetrator does not submit a written request within ~~((twenty))~~ thirty calendar days for CPS to review the founded CPS finding, no further review or challenge of the finding may occur.

(2) If the department has exercised reasonable, good faith efforts to provide notice of the CPS finding to the alleged perpetrator, the alleged perpetrator shall not have further opportunity to request a review of the finding beyond thirty days from the time the notice was sent.