



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 05, 2021

TIME: 5:32 PM

WSR 21-20-129

Agency: Department of Social and Health Services, Economic Services Administration, Division of Child Support

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-09-148 ; 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); or

Proposal is exempt under RCW .

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

WAC 388-14A-2210 What is the procedure for service by certified mail due to COVID-19?

Due to the COVID-19 pandemic, the United States Postal Service (USPS) has altered certified mail delivery practices to limit in-person contact for signatures. DCS relies on the certified mail return receipt requested delivery method for service of various notices. Because these USPS practices do not have a projected end date at this time, DCS is proposing a permanent rule to ensure due process and adequate service under the modified USPS processes.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 9, 2021	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504 Hearing will be held virtually	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2 Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most current information.

Date of intended adoption: Not earlier than November 10, 2021 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. November 9, 2021

Assistance for persons with disabilities:

Contact Shelley Tencza, DSHS Rules Consultant

Phone: 360-664-6198

Fax: 360-664-6185

TTY: 711 Relay Service

Email: tencza@dshs.wa.gov

Other:

By (date) 5:00 pm October 26

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed rule will ensure due process for our clients when serving notices by certified mail return receipt requested in light of special USPS COVID-19 delivery procedures. The rule establishes criteria under which service is considered valid without a signature from the recipient.

Reasons supporting proposal: Service by certified mail return receipt requested has been a routine method for DCS for a number of years. Due to special USPS COVID-19 delivery procedures that limit in-person contact, direct signatures are no longer being obtained in all cases. This rule is necessary to continue to utilize certified mail as a valid method of service.

Statutory authority for adoption: RCW 26.23.110, RCW 34.05.220, RCW 74.08.090, RCW 74.20A.055

Statute being implemented:

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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

Name of proponent: (person or organization) Department of Social and Health Services, Economic Services Administration, Division of Child Support Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Coordinator	Brady Horenstein, DCS Rules	DCS HQ, POB 9162, Olympia WA 98507-9162	(360) 664-5291
Implementation: Coordinator	Brady Horenstein, DCS Rules	DCS HQ, POB 9162, Olympia WA 98507-9162	(360) 664-5291
Enforcement: Coordinator	Brady Horenstein, DCS Rules	DCS HQ, POB 9162, Olympia WA 98507-9162	(360) 664-5291

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: This rule relates only to internal governmental operations that are not subject to violation by a nongovernment party under RCW 34.05.328(5)(b)(ii) and RCW 34.05.328(5)(b)(vii), is concerning liability of care for dependents.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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 checked="" 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) and RCW 34.05.328(5)(b)(vii).

Explanation of exemptions, if necessary: This proposal does not affect small businesses and is concerning liability for care of dependents

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

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

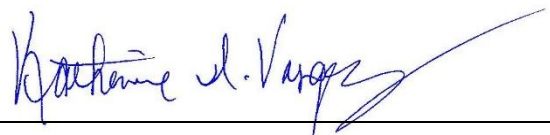
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: October 5, 2021

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



NEW SECTION

WAC 388-14A-2210 What is the procedure for service by certified mail due to COVID-19? (1) The United States Postal Service has made temporary changes to its certified mail signature gathering procedures to limit direct contact with recipients. As long as these special signature gathering procedures remain in effect, the division of child support (DCS) will consider service by certified mail, return receipt requested when required under chapter 388-14A WAC to be successful 10 days after the following requirements are satisfied:

(a) The notice is sent by certified mail, return receipt requested, with restricted delivery to the noncustodial or custodial parent DCS is serving; and

(b) The postal service employee signs the receipt on behalf of the individual taking delivery as required by current postal service restricted delivery procedures.

(2) The individual taking delivery under section (1)(b) of this section is presumed to be the subject of service or the authorized agent of the subject.