



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: November 22, 2021

TIME: 8:01 AM

WSR 21-24-026

Agency: Department of Social and Health Services, Economic Services Administration

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: Due to the ongoing national and state emergency relating to COVID-19, the United States Postal Service (USPS) made temporary changes to its certified mail signature gathering procedures to limit direct contact with recipients. This emergency WAC clarifies that these temporary procedures employed by USPS are acceptable for purposes of certified mail service. DCS has filed a CR-101 and is currently working with internal and external stakeholders on permanent rulemaking on this subject. On July 16, 2021, USPS issued updated guidance to its employees that unvaccinated mail carriers should still wear masks and maintain social distancing. Additionally, on July 27, 2021, the Centers for Disease Control and Prevention issued new guidance encouraging vaccinated people to wear masks and maintain social distancing even indoors in settings of high risk. As a result of these recent updates, special COVID-19 delivery practices for certified mail will likely continue. The department filed a CR 103P for permanent adoption under WSR 21-23-103. This emergency will be in place until the effective date of the permanent, December 18, 2021.

Citation of rules affected by this order:

New: 1
 Repealed:
 Amended:
 Suspended:

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

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: United Postal Service certified mail delivery procedures have already been changed. This has had an immediate effect on our ability to serve notices by certified mail. This emergency rule will ensure child support enforcement actions can continue, providing crucial financial resources to clients. Additional and more recent guidance from USPS and CDC in July 2021 means mail carriers will continue to exercise these special delivery practices.

**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	<u>1</u>	Amended	_____	Repealed	_____

Recently enacted state statutes: New ____ Amended ____ Repealed ____

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

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

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

New 1 Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____
Pilot rule making: New ____ Amended ____ Repealed ____
Other alternative rule making: New 1 Amended ____ Repealed ____

Date Adopted: November 19, 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.