



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Social and Health Services, Children's Administration

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes
 - No
- If Yes, explain:

Purpose: 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. WAC 388-15-085 and WAC 388-15-093 were already changed to reflect the correct timeframe.

WAC 388-15-069 is being revised to ensure reasonable efforts are being made to notify the subject on the results of the investigation when the department is working with the subject and the finding letter comes back undeliverable.

Citation of existing rules affected by this order:

- Repealed:
- Amended: WAC 388-15-089, 388-15-069
- Suspended:

Statutory authority for adoption: RCW 26.44.100.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-17-126 on 8/20/14 (date).
Describe any changes other than editing from proposed to adopted version:

In WSR 14-17-126, the rule language read:
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 served the CPS finding notice to the alleged perpetrator." This is being deleted as it is not required per RCW 26.44.100.

Based on feedback received, the language in WAC 388-15-069 has been changed to:
2) "When CA is actively working with the subject and the certified mail is returned, CA will attempt to personally serve the findings letter to the subject."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

December 12, 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: December 17, 2014

TIME: 3:12 PM

WSR 15-01-099

**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	<u>2</u>	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 in 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	_____	Repealed	_____
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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	<u>2</u>	Repealed	_____

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))~~ When CA is actively working with the subject and the certified mail is returned, CA will attempt to personally serve the findings letter to the subject.

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.