Chapter 110-30 WAC
CHILD PROTECTIVE SERVICES
(Formerly: Chapter 388-15 WAC)

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

110-30-0380 Family planning. [WSR 18-14-078, recodified as § 110-30-0380, filed 6/29/18, effective 7/1/18. Order 1238, § 388-15-240, filed 8/31/77; Order 1204, § 388-15-240, filed 4/1/77; Order 1147, § 388-15-240, filed 8/26/76; Order 1088, § 388-15-240, filed 1/19/76.] Repealed by WSR 20-04-019, filed 1/27/20, effective 2/27/20. Statutory Authority: 2017 c 6.

PROGRAM DESCRIPTION

WAC 110-30-0010 What is the child protective services program?

(1) Child protective services (CPS) means those services provided by the department of children, youth, and families designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports (RCW 26.44.020 (12) and (17)).

(2) CPS may include the following:

(a) Investigation of reports of alleged child abuse or neglect.

(b) Assessment of risk of abuse or neglect to children.

(c) Provision of and/or referral to services to remedy conditions that endanger the health, safety, and welfare of children.

(d) Referral to law enforcement when there are allegations that a crime against a child (RCW 26.44.030(4) and 74.13.031(3)) might have been committed.

(e) Out-of-home placement and petitions to courts when necessary to ensure the safety of children.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0010, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-001, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0020 Definitions. The following definitions apply to this chapter.

"Abuse or neglect" means the same as defined in RCW 26.44.020.

"Administrative hearing" means a hearing held before an administrative law judge and conducted according to chapter 34.05 RCW and chapter 110-03 WAC.

"Administrative law judge (ALJ)" means an impartial decision-maker who is an attorney and presides over an adjudicative proceeding resulting in an initial order, or resulting in a final order if no appeal of the initial order is properly made or if no further agency appeal is available.

"Alleged perpetrators" means individuals identified in CPS referrals as being responsible for the alleged abuse or neglect of children or youth.

"Alternative response system" means a contracted provider in a local community that responds to accepted CPS referrals that are rated low or moderately low risk at the time of intake.

"Appellants" means individuals who request administrative hearings to appeal CPS findings.

"Behavioral health services" means the same as defined in RCW 71.24.025.

"Child protection team (CPT)" means a multidisciplinary group of individuals with at least four from professions that provide services to abused or neglected children or youth and their parents or guardians.

"Child protective services (CPS)" means the same as defined in RCW 26.44.020.

"Department" or "DCYF" means the Washington state department of children, youth, and families.

"Findings" means the final decisions made by the department after investigations regarding alleged abuse or neglect of children or youth.

"Founded" means the same as defined in RCW 26.44.020.

"Host homes" means the same as defined in RCW 74.15.020.

"Inconclusive" means the determination following an investigation by CPS, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, abuse or neglect of children or youth did or did not occur. Beginning October 1, 2008,

the department no longer makes inconclusive findings, but retains such findings made prior to that date as provided in these rules.

"Licensing division (LD)" means the division within the department that supports child safety and well-being through licensing, monitoring compliance, investigations, and technical assistance to individuals and agencies that provide direct care for children and youth outside the care of their parents or guardians.

"Mandated reporters" means individuals required to report alleged abuse or neglect of children or youth as outlined in RCW 26.44.030.

"Preponderance of evidence" means the evidence presented in hearings that indicate more likely than not the abuse or neglect of children or youth did occur.

"Residential private schools" means the same as defined in RCW 26.44.210.

"Screened-out report" means the same as defined in RCW 26.44.020.

"Substance use disorder" means the same as defined in RCW 71.24.025.

"Unfounded" means the same as defined in RCW 26.44.020.

[Statutory Authority: 2024 c 298, 2023 c 122, 22 U.S.C. sec 7101 et seq., RCW 74.13.031, 74.04.050, 74.15.030, 43.215.070, 43.215.201, 43.216.055, 43.216.065, and 43.216.742. WSR 26-09-080, s 110-30-0020, filed 4/14/26, effective 5/15/26. Statutory Authority: Chapter 26.44 RCW, RCW 43.216.906, 74.13.031, 74.04.050, and 2023 c 441. WSR 23-24-043, § 110-30-0020, filed 11/30/23, effective 12/31/23. Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0020, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 08-18-040, § 388-15-005, filed 8/28/08, effective 10/1/08; WSR 02-15-098 and 02-17-045, § 388-15-005, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0030 Abuse or neglect of children and youth. The department determines whether children or youth have been abused or neglected based on RCW 26.44.020 and the following:

(1) Physical abuse means the nonaccidental infliction of physical injury or physical mistreatment on a child or youth that harms their health, welfare, or safety. It includes, but is not limited to:

(a) Throwing, kicking, burning, or cutting a child or youth;

(b) Striking a child or youth with a closed fist;

(c) Shaking a child under age three;

(d) Interfering with a child's or youth's breathing;

(e) Threatening a child or youth with a deadly weapon;

(f) Performing female genital mutilation as defined in RCW 18.130.460; or

(g) Doing any other act that is likely to cause and that does cause bodily harm greater than transient pain or minor temporary marks or that is injurious to the child's or youth's health, welfare, or safety;

(2) Physical discipline of a child or youth, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child or youth. Factors considered when determining whether bodily harm was not reasonable or moderate include, but are not limited to:

(a) The age, size, and condition of the child or youth;

(b) The location of any inflicted injury;

(c) The developmental level of the child or youth;

(d) The nature of the child's or youth's misconduct; and

(e) Whether a parent or guardian believes that it is necessary to punish a child or youth with the use of excessive or unreasonable force;

(3) Sexual abuse means:

(a) Committing or allowing any sexual offense to be committed against a child or youth as defined in the criminal code;

(b) Intentionally touching, either directly or over the clothing, of the sexual or other intimate parts of a child or youth. Exceptions include the following who may touch a child or youth in the sexual or other intimate parts for the purposes of providing hygienic care or medical treatment and diagnosis:

(i) Parents or guardians of a child or youth;

(ii) Individuals authorized by the parents or guardians to provide care for the child or youth; or

(iii) Individuals providing medically recognized services for the child or youth; or

(c) Intentionally allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child or youth to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the individual touching the child or youth, the child or youth, or a third party;

(4) Trafficking means the same as defined in RCW 9A.40.100 and includes the following as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. Sec. 7101 et. seq.:

(a) Sex trafficking includes harboring, transporting, provision, obtaining, patronizing, or soliciting an individual for the purpose of a commercial sex act; and

(b) Severe forms of trafficking in persons includes:

(i) Recruiting, harboring, transporting, provision, or obtaining individuals for labor or services using force, fraud, or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery, commonly known as labor trafficking; or

(ii) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or the individual persuaded to perform the act is under 18 years old;

(5) Sexual exploitation means the same as defined in RCW 26.44.020, which includes commercial sexual exploitation. Actions include, but are not limited to, allowing, compelling, encouraging, aiding, or otherwise causing a child or youth to participate in one or more of the following:

(a) Any sex act that includes giving or receiving anything of value to any individual for the sex act;

(b) Sexually explicit, obscene, or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene, or pornographic activity as part of a live performance or for the benefit or sexual gratification of another individual; and

(6) Negligent treatment or maltreatment means the same as defined in RCW 26.44.020. Suspected or diagnosed disabilities do not, in and of itself, constitute negligent treatment or maltreatment. A child or youth does not have to suffer actual damage or physical or emotional harm to be in circumstances that create a clear and present danger to their health, welfare, or safety. Negligent treatment or maltreatment may include, but is not limited to:

(a) Failure to provide adequate food, shelter, clothing, supervision, or health care;

(b) Actions, failures to act, or omissions that result in injury or risk of injury to the physical, emotional,or cognitive development of a child or youth including, but is not limited to, allowing, permitting, compelling, encouraging, aiding in female genital mutilation as defined in RCW 18.130.460;

(c) The cumulative effects of a pattern of conduct, behavior, or inaction by a parent or guardian in providing for the physical, emotional or developmental needs of the child or youth; or

(d) The effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, or duties that causes injury or substantial risk of injury to the physical, emotional, or cognitive development of the child or youth.

[Statutory Authority: 2024 c 298, 2023 c 122, 22 U.S.C. sec 7101 et seq., RCW 74.13.031, 74.04.050, 74.15.030, 43.215.070, 43.215.201, 43.216.055, 43.216.065, and 43.216.742. WSR 26-09-080, s 110-30-0030, filed 4/14/26, effective 5/15/26. WSR 18-14-078, recodified as § 110-30-0030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 74.04.050, 74.13.031, and chapter 26.44 RCW. WSR 17-22-059, § 388-15-009, filed 10/26/17, effective 11/26/17. Statutory Authority: RCW 74.08.090, 74.04.050, 74.13.031, chapter 26.44 RCW, and 2005 c 512. WSR 07-14-011, § 388-15-009, filed 6/22/07, effective 7/23/07. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-009, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0040 What is child abandonment? (1) A Parent or guardian abandons a child when the parent or guardian is responsible for the care, education, or support of a child and:

(a) Deserts the child in any manner whatever with the intent to abandon the child;

(b) Leaves a child without the means or ability to obtain one or more of the basic necessities of life such as food, water, shelter, clothing, hygiene, and medically necessary health care; or

(c) Forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to exercise such rights, duties, and obligations.

(2) Abandonment of a child by a parent may be established by conduct on the part of a parent or guardian that demonstrates a substantial lack of regard for the rights, duties, and obligations of the parent or guardian or for the health, welfare, and safety of the child. Criminal activity or incarceration of a parent or guardian does not constitute abandonment in and of themselves, but a pattern of criminal activity or repeated or long-term incarceration may constitute abandonment of a child.

[WSR 18-14-078, recodified as § 110-30-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-011, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0050 Who may receive child protective services? Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

(1) By a parent, legal custodian, or guardian of the child;

(2) While attending the Washington center for deaf and hard of hearing youth;

(3) While attending the state school for the blind;

(4) In a state-operated facility;

(5) In a DCYF or DSHS licensed or certified facility including, but not limited to:

(a) Substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis; and

(b) Entities that provide behavioral health services on a residential basis;

(6) By persons or agencies subject to licensing under chapter 74.15 RCW, including, but not limited to:

(a) Host homes; and

(b) Individuals employed by or volunteers of such facilities; and

(7) In residential private schools.

[Statutory Authority: Chapter 26.44 RCW, RCW 43.216.906, 74.13.031, 74.04.050, and 2023 c 441. WSR 23-24-043, § 110-30-0050, filed 11/30/23, effective 12/31/23. WSR 18-14-078, recodified as § 110-30-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050 and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-013, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0060 What is the responsibility of CPS regarding reports of abuse or neglect? (1) CPS must record a report from any source alleging child abuse or neglect.

(2) CPS must determine whether alleged incidents or conditions meet the definitions of child abuse or neglect in this chapter or in chapter 26.44 RCW.

(3) CPS must assess or investigate all reports of alleged child abuse or neglect that meet the definitions of child abuse or neglect contained in this chapter or in chapter 26.44 RCW.

(4) CPS must investigate anonymous reports only as provided in RCW 26.44.030(15).

(5) CPS must maintain a record of reports received that are not investigated because they do not meet the definitions of child abuse or neglect as defined in RCW or this chapter.

(6) CPS must report to law enforcement per RCW 26.44.030(4) and 74.13.031.

[WSR 18-14-078, recodified as § 110-30-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-017, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0070 CPS responses to reports of alleged abuse or neglect of children and youth. The department:

(1) Must:

(a) Complete the following when responding to reports of allegations of abuse or neglect:

(i) Assess all reports of alleged abuse or neglect as defined in WAC 110-30-0030 using a risk assessment process to determine program type, risk level, and response time;

(ii) Provide an in-person response to:

(A) Alleged victims or identified children or youth within the following time frames from the date and time the report was received:

(I) Twenty-four hours for emergent reports; and

(II) Seventy-two hours for nonemergent reports; and

(B) Alleged subjects of abuse or neglect, if possible;

(iii) Make reasonable efforts to have an adult third party present at the child's or youth's interview if the presence of a third party does not interfere with the investigation, unless the child or youth objects;

(iv) Audio record interviews with alleged victims of abuse or neglect when there are serious allegations of sexual and physical abuse; and

(v) Photograph the alleged children or youth victims to document their physical condition, per RCW 26.44.050, if applicable; and

(b) Attempt to complete investigations within 60 calendar days, but not exceed beyond 90 calendar days unless:

(i) The investigation is being conducted under local county protocol, per chapter 26.44 RCW; or

(ii) A law enforcement agency or prosecuting attorney has determined a longer investigation period is necessary; and

(2) May interview children or youth outside the presence of their parents or guardians without prior notification or consent.

[Statutory Authority: Chapter 26.44 RCW, RCW 74.08.090, 74.13.031, and 74.04.050. WSR 26-09-079, s 110-30-0070, filed 4/14/26, effective 6/5/26. WSR 18-14-078, recodified as § 110-30-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapter 26.44 RCW, RCW 74.08.090, 74.13.031, 74.04.050, and 2007 c 220. WSR 09-07-001, § 388-15-021, filed 3/4/09, effective 4/4/09. Statutory Authority: RCW 74.13.031, 74.04.050 and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-021, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0080 What special requirements must CPS follow for Indian children? (1) These special requirements apply to children defined as Indians in WAC 110-110-0010.

(2) The caseworker must document in case records efforts to keep Indian families together and to avoid separating the Indian child from the child's parents, relatives, tribe or cultural heritage as per RCW 26.44.010 and WAC 110-110-0010.

(3) In alleged child abuse and neglect situations, the caseworker must document in case records, efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, in consultation with the child's tribe or local Indian child welfare advisory committee per WAC 110-110-0060 through 110-110-0100.

(4) The caseworker will promptly advise the tribal council and the local Indian child welfare advisory committee that a child affiliated with the tribe is the victim of substantiated child abuse or neglect. The provisions of RCW 26.44.070, WAC 110-110-0100, limiting who has access to confidential information, must be followed in all cases.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0080, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-025, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0090 What information may CPS share with mandated reporters? (1) CPS in the conduct of ongoing case planning and consultation with those persons or agencies required to report alleged child abuse or neglect under RCW 26.44.030 and with consultants designated by CPS, may share otherwise confidential information with such persons, agencies, and consultants if the confidential information is pertinent to cases currently receiving child protective services.

(2) When CPS receives a report of alleged child abuse or neglect, mandated reporters, as identified in RCW 26.44.030, and their employees must provide upon request by CPS, all relevant records in their possession related to the child (RCW 26.44.030).

[WSR 18-14-078, recodified as § 110-30-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-029, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0100 When will CPS involve local community resources? (1) CPS may use local community resources to respond to reports of abuse or neglect when the department's assessment of risk determines that a community response is in the best interest of the child and family.

(2) CPS may involve local community resources in the planning and provision of services to help remedy conditions that contribute to the abuse or neglect of children.

(3) CPS must have community based child protective teams (CPT) available for staffing and consultation regarding cases of child abuse or neglect. CPS must present cases for staffing with the CPT in accordance with executive order 95-04 and department procedures.

(4) There are special requirements for staffing Indian children cases with the local Indian child welfare advisory committee (WAC 110-110-0060).

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0100, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-033, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0110 Under what circumstances may CPS place a child in out-of-home care? (1) When CPS determines that a child is at risk of serious harm in the care of the parent, legal custodian, or guardian CPS may seek an out-of-home placement for the child. Before placing a child in out-of-home care one of the following must be in place:

(a) A court order directing that the child be placed in out-of-home care (RCW 13.34.050); or

(b) A law enforcement officer placing the child in protective custody (RCW 26.44.050); or

(c) A physician or hospital administrator detaining a child and CPS assuming custody until a court hearing is held (RCW 26.44.056); or

(d) A voluntary placement agreement signed by the child's parent, guardian, or legal custodian. Voluntary placements of Indian children must comply with RCW 13.34.245.

(2) CPS must attempt to place the child with a relative willing and available to care for the child, unless there is reasonable cause to believe that the health, safety and welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered (RCW 13.34.060). If a relative appears suitable and competent with good character to provide adequate care, the background check of a relative shall be completed as soon as possible after the child is placed (RCW 74.15.030).

[WSR 18-14-078, recodified as § 110-30-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-037, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0120 When will CPS involve the juvenile court? CPS may file a dependency petition with the juvenile court when CPS determines that court intervention is necessary for protection of the child.

(1) CPS must file a dependency petition with the juvenile court when a child is to remain in out of home care beyond seventy-two hours (excluding Saturdays, Sundays, and holidays) unless the child's parent or legal custodian signs a voluntary placement agreement.

(2) CPS must make reasonable efforts to notify both parents, guardians, and any legal custodian(s) that a dependency petition has been filed. The notice must inform these parties of the date, time, and location of the initial shelter care hearing and of the parent(s) and any legal custodian's legal rights. If the court has entered an order for the out-of-home placement of the child, a hearing shall be held within seventy-two hours, excluding Saturdays, Sundays, and holidays.

(3) Whenever CPS assumes custody of a child from law enforcement, and places the child in out of home care, a court hearing must be held within seventy-two hours from the time the child is taken into protective custody, excluding Saturdays, Sundays and holidays.

(4) Whenever CPS assumes custody from a physician or a hospital administrator and places the child in out-of-home care, a court hearing must be held within seventy-two hours from the time CPS assumes custody of the child, excluding Saturdays, Sundays, and holidays.

[WSR 18-14-078, recodified as § 110-30-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-041, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0130 What are the department's responsibilities regarding notification of the parent or legal custodian in child protec-

tive services cases? CPS must notify the parent, guardian, or legal custodian of a child at the earliest possible point that will not jeopardize the investigation or the safety or protection of the child when:

(1) CPS is investigating a report alleging an act or acts of child abuse or neglect, and:

(a) The child is alleged to be the victim; and/or

(b) CPS interviews a child in relation to an alleged act of child abuse or neglect.

(2) CPS takes a child into custody pursuant to a court order issued under RCW 13.34.050.

(3) CPS receives custody of a child from law enforcement pursuant to RCW 26.44.050.

(4) CPS files a dependency petition.

[WSR 18-14-078, recodified as § 110-30-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-045, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0140 When must the department notify the parent, guardian or legal custodian of allegations of child abuse or neglect made against them? The department must notify the parent, guardian or legal custodian of a child of the allegations of child abuse or neglect made against that person at the initial point of contact with that person, in a manner consistent with the laws maintaining the confidentiality of the persons making the allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

[WSR 18-14-078, recodified as § 110-30-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.08.090, 74.04.050, 74.13.031, chapter 26.44 RCW, and 2005 c 512. WSR 07-14-011, § 388-15-049, filed 6/22/07, effective 7/23/07. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-049, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0150 What steps must the department take to provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information? To provide an opportunity for the parent(s), guardian, or legal custodian(s) to review case information, CPS must give such person the opportunity to read or obtain relevant parts of the case record, provided the person or persons have requested access to the information and the law does not otherwise prohibit such access (RCW 13.50.100).

[WSR 18-14-078, recodified as § 110-30-0150, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-053, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0160 What limitations does the department have on the disclosure of case information? Information obtained by CPS is confi-

dential pursuant to federal and state law. The department may only disclose case record information as permitted by applicable statutes and the provisions of chapter 110-01 WAC.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0160, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-057, filed 7/16/02 and 8/14/02, effective 2/10/03.]

NOTIFICATION AND APPEAL OF FINDINGS

WAC 110-30-0170 What is the purpose of these rules? The purpose of these rules is to describe:

(1) The procedures for notifying the alleged perpetrator of any findings made by a CPS caseworker in an investigation of suspected child abuse or neglect; and

(2) The process for challenging a founded CPS finding of child abuse or neglect (RCW 26.44.100 and 26.44.125).

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0170, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0170, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-061, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0180 Does CPS have to notify the alleged perpetrator of the results of CPS investigation? CPS has the duty to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.

[WSR 18-14-078, recodified as § 110-30-0180, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-065, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0190 How does CPS notify the alleged perpetrator of the finding? (1) CPS notifies the alleged perpetrator of the founded 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) CPS notifies the alleged perpetrator of the unfounded finding by sending the CPS finding notice via mail, to the last known address, or email. CPS must make a reasonable, good faith effort to determine the last known address or location of the alleged perpetrator.

(3) When CA is actively working with the alleged perpetrator and the certified mail sent pursuant to subsection (1) of this section is returned, CA will attempt to personally serve the CPS founded findings letter to the alleged perpetrator.

[WSR 18-14-078, recodified as § 110-30-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 26.44.100, 74.13.031, and chapter 26.44 RCW. WSR 18-01-047, § 388-15-069, filed 12/12/17, effective 1/12/18. Statutory Authority: RCW 26.44.100 and P.L. 93-247, P.L. 111-320. WSR 15-16-041, § 388-15-069, filed 7/28/15, effective 8/28/15. Statutory Authority: RCW 26.44.100. WSR 15-01-099, § 388-15-069, filed 12/17/14, effective 1/17/15. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-069, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0200 What information must be in the CPS finding notice? The CPS finding notice must inform the alleged perpetrator of the department's investigative finding, including the legal basis for the findings and sufficient factual information to apprise the alleged perpetrator of the date and nature of the founded reports. The notice must also contain the following:

(1) The alleged perpetrator may submit to CPS a written response regarding the CPS finding. If a response is submitted, CPS must file this response in the department's records.

(2) Information in the department's records may be considered in later investigations or proceedings relating to child protection or child custody.

(3) Founded CPS findings may be considered in determining:

(a) If an alleged perpetrator is qualified to be licensed to care for children or vulnerable adults;

(b) If an alleged perpetrator is qualified to be employed by a child care agency or facility;

(c) If an alleged perpetrator may be authorized or funded by the department to provide care or services to children or vulnerable adults.

(4) The alleged perpetrator's right to challenge a founded CPS finding.

[WSR 18-14-078, recodified as § 110-30-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-073, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0210 What happens to unfounded CPS findings? (1) Beginning October 1, 2008, the department will no longer make inconclusive findings, but will retain and destroy such findings made prior to that date as provided in these rules.

(2) An unfounded, screened-out, or inconclusive allegation of child abuse or neglect may not be disclosed to a child placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(3) At the end of three years from the receipt of a screened-out report that alleged child abuse or neglect, the department must destroy its records relating to that report.

(4) At the end of six years from the date of the completion of an investigation of a report of child abuse or neglect, the department must destroy records relating to unfounded or inconclusive reports, unless a prior or subsequent founded report has been received regard-

ing the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before records are destroyed.

(5) The department must retain records relating to founded reports of child abuse and neglect as required by DCYF records retention policies. If dependency is established under chapter 13.34 RCW as to a child who is subject of a report of child abuse or neglect, all records relating to the child or the child's parent, guardian, or legal custodian, including any screened-out, unfounded or inconclusive reports not destroyed prior to the establishment of dependency or received after dependency was established, will be retained as required by DCYF records retention policies regarding dependency records.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0210, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 08-18-040, § 388-15-077, filed 8/28/08, effective 10/1/08; WSR 02-15-098 and 02-17-045, § 388-15-077, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0220 Can an alleged perpetrator challenge a CPS finding of child abuse or neglect? A person named as an alleged perpetrator in a founded CPS report made on or after October 1, 1998, may challenge that finding.

[WSR 18-14-078, recodified as § 110-30-0220, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-081, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0230 How do alleged perpetrators challenge their founded CPS findings? (1) Alleged perpetrators must request a review of their founded finding in writing by following the instructions in the founded finding letter.

(2) Alleged perpetrators must request the CPS review of their founded CPS finding notice within 30 calendar days from the date they received it. Alleged perpetrators may not further challenge the findings, if requests are not made within 30 days of receipt.

[Statutory Authority: RCW 26.44.125(7). WSR 22-17-011, § 110-30-0230, filed 8/4/22, effective 9/4/22. WSR 18-14-078, recodified as § 110-30-0230, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 26.44.125 (2) and (4). WSR 13-17-126, § 388-15-085, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-085, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0240 What happens if the alleged perpetrator does not request CPS to review the founded CPS finding within thirty days? (1) If the alleged perpetrator does not submit a written request within 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.

[WSR 18-14-078, recodified as § 110-30-0240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 26.44.100. WSR 15-01-099, § 388-15-089, filed 12/17/14, effective 1/17/15. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-089, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0250 What happens after the alleged perpetrator requests CPS to review the founded CPS finding of child abuse or neglect? (1) CPS management level staff or their designees who were not involved in the decision making process will review the founded CPS finding of child abuse or neglect. The management staff will consider the following information:

(a) CPS records;

(b) CPS summary reports; and

(c) Any written information the alleged perpetrator may have submitted regarding the founded CPS finding of abuse or neglect.

(2) Management staff may also meet with the CPS caseworker or CPS supervisor to discuss the investigation finding. After review of all this information, management staff decides if the founded CPS finding is correct or if it should be changed.

(3) Management staff must complete their review of the founded CPS finding within thirty calendar days from the date CPS received the written request for review.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0250, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0250, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 26.44.125 (2) and (4). WSR 13-17-126, § 388-15-093, filed 8/21/13, effective 9/21/13. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-093, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0260 How does CPS notify the alleged perpetrator of the results of the CPS management review? CPS will notify the alleged perpetrator in writing of the results of the CPS management review. CPS will send this notice to the last known address of the alleged perpetrator by certified mail, return receipt requested. The notice of the CPS management review decision will also contain information regarding how to request a hearing.

[WSR 18-14-078, recodified as § 110-30-0260, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-097, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0270 What happens if CPS management staff changes the founded CPS finding? If CPS management staff changes the founded CPS

finding, CPS notifies the alleged perpetrator that the department has changed the finding to either inconclusive or unfounded. CPS management staff or their designee must correct the department's records to show the changed finding.

[WSR 18-14-078, recodified as § 110-30-0270, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-101, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0280 What happens if CPS management does not change founded CPS findings after their reviews? (1) If CPS management does not change founded CPS findings after their review, alleged perpetrators have the right to further challenge CPS management's decision by requesting an administrative hearing.

(2) Requests for administrative hearings must be in writing and filed with the office of administrative hearings (OAH) as instructed in the notice of the CPS management review decision.

(3) Requests for administrative hearings with the OAH must be filed within 30 calendar days from the date that the alleged perpetrators received the CPS management review decision.

[Statutory Authority: RCW 26.44.125(7). WSR 22-17-011, § 110-30-0280, filed 8/4/22, effective 9/4/22. Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0280, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0280, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-105, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0290 What laws and rules will control the administrative hearings held regarding the founded CPS findings? Chapter 34.05 RCW, RCW 26.44.100 and 26.44.125, chapter 110-03 WAC, and the provisions of this chapter govern any administrative hearing regarding a founded CPS finding. In the event of a conflict between the provisions of this chapter and chapter 110-03 WAC, the provisions of this chapter must prevail.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0290, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0290, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-109, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0300 What effect does a petition for dependency have on an administrative hearing? (1) If a dependency petition, based on chapter 13.34 RCW, regarding the alleged abuse or neglect has been filed, the administrative hearing must be stayed (postponed) until the superior court has entered an order and findings regarding the dependency petition.

(2) The ALJ must consider any superior court dependency findings and order relating to the alleged abuse or neglect.

(3) If the superior court has entered findings that the alleged perpetrator was the person responsible for the alleged child abuse or neglect, the ALJ must uphold the CPS finding. The ALJ must reiterate the court ruling and incorporate that ruling in the decision issued by the ALJ.

[WSR 18-14-078, recodified as § 110-30-0300, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-113, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0310 What factors must the ALJ consider in order for the alleged abused and/or neglected child to testify at the administrative hearing? (1) The ALJ must give special consideration to any request by a party for the alleged abused or neglected child to testify in order to protect the physical and emotional well being of the child. For the protection of the child, the ALJ must determine:

(a) If compelling reasons exist to have the child testify. If compelling reasons do exist, the ALJ must consider alternative methods to in-person testimony by the child. Such methods may include, but are not limited to, having the child testify by telephone or videotape; or

(b) If the rights of a party (either the appellant or DSHS) would be prejudiced by not having the child testify in person. If a party's rights would be prejudiced, the ALJ must consider other methods to hear the child's testimony without having the child directly confront the alleged perpetrator.

(2) If the child does testify at the hearing, the ALJ must include a written finding in the administrative hearing decision regarding the compelling reasons for the child's testimony and what alternative methods to in-person testimony the ALJ considered.

[WSR 18-14-078, recodified as § 110-30-0310, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-117, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0320 Are there issues the ALJ may not rule upon during an administrative hearing regarding a founded CPS finding? In any administrative hearing regarding a founded CPS finding, an ALJ may not rule upon the department's decisions regarding the following:

(1) Placement of the alleged abused or neglected child;

(2) Risk assessments used in making placement decisions regarding the alleged abused and/or neglected child; or

(3) Service plans for the alleged perpetrator and/or alleged abused or neglected child.

[WSR 18-14-078, recodified as § 110-30-0320, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-121, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0330 Are the administrative hearings open to the public? Based on RCW 26.44.125, any administrative hearing regarding

founded CPS findings is confidential and must not be open to the public.

[WSR 18-14-078, recodified as § 110-30-0330, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-125, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0340 How does the ALJ make a decision regarding the founded CPS finding? (1) The ALJ must decide if a preponderance of the evidence in the hearing record supports a determination that the alleged perpetrator committed an act of abuse or neglect of a child.

(2) If the ALJ determines that a preponderance of the evidence in the hearing record supports the founded CPS finding, the ALJ must uphold the finding.

(3) If the ALJ determines that the founded CPS finding is not supported by a preponderance of the evidence in the hearing record, the ALJ must remand the matter to the department for a change of the finding consistent with the ruling of the ALJ.

[WSR 18-14-078, recodified as § 110-30-0340, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-129, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0350 How will the appellant be notified of the ALJ's decision? After the administrative hearing, the ALJ will send a written decision to the appellant and the department.

[WSR 18-14-078, recodified as § 110-30-0350, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-133, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0360 What if the appellant or the department disagrees with the decision? If the appellant or the department disagrees with the ALJ's decision, either party may challenge this decision according to the procedures contained in chapter 34.05 RCW and chapter 110-03 WAC.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0360, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0360, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-135, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0370 What happens if the ALJ rules against the department? If the department challenges the ALJ's decision, the department will not change the finding in the department's records and the finding will remain in effect pending the final decision from the department's challenge. If the department does not challenge the ALJ's

decision, the department will correct the finding in the department's records consistent with the ALJ's decision.

[WSR 18-14-078, recodified as § 110-30-0370, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.13.031, 74.04.050, and chapter 26.44 RCW. WSR 02-15-098 and 02-17-045, § 388-15-141, filed 7/16/02 and 8/14/02, effective 2/10/03.]

WAC 110-30-0390 Services to individuals released from mental hospitals or in danger of requiring commitment to such institutions. (1) These services are those services necessary to enable eligible individuals age 65 or over to remain in the community in lieu of care in a mental hospital, or upon release from a mental hospital, to return to and live in the community. Services may also be provided to recipients of AFDC who are being released from mental institutions.

(2) Necessary adult services will be provided to beneficiaries of SSI, recipients of Title XIX, and other individuals whose income does not exceed the standard in WAC 388-15-020 who:

(a) Are released from a mental hospital; or

(b) Need alternate care to continue to live in the community.

(3) Services provided to accomplish the objective to assist the recipient to maintain or be restored to the greatest possible degree of independent functioning and self help are any appropriate adult services described in WAC 110-30-0270 through 110-30-0390.

(4) Services provided to accomplish this objective for recipients of AFDC age twenty-one or under being released from mental institutions are any appropriate family or children's service described in WAC 110-30-0370 through 110-30-0390.

(5) See also chapter 182-513 WAC.

[Statutory Authority: 2017 c 6. WSR 20-04-019, § 110-30-0390, filed 1/27/20, effective 2/27/20. WSR 18-14-078, recodified as § 110-30-0390, filed 6/29/18, effective 7/1/18. Order 1088, § 388-15-400, filed 1/19/76.]