

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0280 Right to request an administrative hearing.

(1) WCCC consumers have a right to request ~~((a hearing under chapter 388-02 WAC))~~ administrative hearings on any action affecting WCCC benefits.

(2) Child care providers may request administrative hearings ~~((under chapter 388-02))~~ WAC only for WCCC overpayments. A provider's burden of proof is a preponderance of the evidence.

(3) To request a hearing, a consumer or provider:

(a) Contacts the ~~((DSHS))~~ DCYF office which sent them the notice; or

(b) Writes to the office of administrative hearings, P.O. Box 42489, Olympia, WA 98504-2489; and

(c) Makes the request for a hearing within:

(i) Ninety days of the date a decision is received for consumers; or

(ii) Twenty-eight days of the date a decision is received for providers.

(4) The office of administrative hearings administrative law judge enters initial or final orders as provided in ~~((WAC 388-02-0217))~~ chapter 110-03 WAC. Initial orders may be appealed to a DSHS review judge under chapter ~~((388-02))~~ 110-03 WAC.

(5) To request a hearing under the seasonal child care program, see WAC ~~((470-290-3860 and 170-290-3865))~~ 110-15-3860 and 110-15-3865.



**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: July 16, 2021

TIME: 12:44 PM

WSR 21-15-075

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 18, 2021

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend WAC 110-15-0280 to align with DCYF's chapter 110-03 WAC Administrative Hearings.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 110-15-0280
- Suspended:

Statutory authority for adoption: RCW 43.216.905, 43.216.906

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: DCYF has conflicting rules regarding an administrative appeal process that impacts the general welfare. The emergency amendment will harmonize the conflicting rules. Observing the permanent rule making time requirements for notice and comment would be contrary to the public interest. DCYF has begun permanent rule making to amend WAC 110-15-0280..

**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	___	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 1 Repealed ____

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

New ____ Amended 1 Repealed ____

The number of sections adopted using:

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

Date Adopted: July 16, 2021	Signature: 
Name: Brenda Villarreal	
Title: DCYF Rules Coordinator	