

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

110-01-0100

Availability of public records.

Pursuant to proclamation 20-28 and any subsequent proclamation, or other gubernatorial or legislative action suspending the requirements of RCW 42.56.080, .090, or .100, public inspection is not permitted. ((Public records are available for inspection and copying during the department's normal business hours, Monday through Friday, 8 a.m. to 5 p.m., excluding legal holidays. A department staff person must be present at all times when a record is being inspected. Appointments are not required, but significantly help the department provide prompt and efficient service. Some department records may be stored in other locations, in computer storage systems, or the state records warehouse, and may take time to identify and gather. Other records may be exempt from disclosure. Original records cannot be removed from the inspection location. If required by law, department staff must redact information in a record before making it available for inspection. Department staff will make copies of records on request.))

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

110-01-0200

How the department responds to public records requests.

The department will respond to public record requests in a reasonable amount of time given the unique circumstances of the COVID-19 pandemic. ((Within five business days of receiving the request,)) When the department receives a request for records, the department will either:

- (1) Provide the record;
- (2) Acknowledge the request and give a reasonable time estimate of how long the department will take to provide records;
- (3) Contact the requestor to clarify the request if it isn't understood by the public records officer; or
- (4) Deny all or part of the request in writing, with reasons for the denial. The explanation will include the law that the department relied upon in its denial.

At his or her discretion, the public records officer may send the requested records by email, fax, postal mail, or commercial delivery. The records may be delivered on paper, computer or compact discs, or other methods.



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 26, 2021

TIME: 3:49 PM

WSR 21-16-037

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) July 26, 2021

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

- Yes No If Yes, explain:

Purpose: During the COVID-19 pandemic, relieve DCYF from (1) in-person contact for the purpose of receiving or fulfilling public records requests, copying public records, or allowing inspection of public records, and (2) the requirement to respond to a request for public records within five days of receiving the request.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 110-01-0100 and 110-01-0200
Suspended:

Statutory authority for adoption: RCW 43.216.065 and Chapter 42.56 RCW

Other authority: Proclamations of the Governor 20-05 and 20-28

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: Governor Jay Inslee issued proclamation 20-05 declaring a state of emergency in all counties in the state of Washington as a result of the outbreak of COVID-19. The Governor's proclamation directed state agencies to do everything reasonably possible to respond to and recover from the COVID-19 outbreak. As of March 11, 2020, the World Health Organization has classified COVID-19 as a pandemic. Proclamation of the Governor 20-28 amends proclamation 20-05 and directs state agencies to limit personal contact through social distancing and limit person-to-person contact. Proclamation 20-28 waives and suspends any in-person contact related to public records requests and the requirement that a state agency respond to requests within five days of receipt. WAC 110-01-0100 and 110-01-0200 were amended on an emergency basis on March 31, 2020 under WSR 20-08-123, July 29, 2020 under WSR 20-16-074, November 25, 2020 under WSR 20-24-089, and March 26, 2021 under WSR 21-08-015. Proclamation 20-28.15 issued January 19, 2021 relieves state agencies from complying with provisions of the Public Records Act that involve in-person contact until the state of emergency terminates or until rescinded. This change in circumstances makes it necessary for the emergency rules filed under WSR 21-08-015 to remain in force.

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

New	___	Amended	<u>2</u>	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	___	Repealed	___

Date Adopted: July 26, 2021

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

