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: June 26, 2026
TIME: 9:22 AM

WSR 26-14-062

Agency: Department of Children, Youth, and Families (DCYF)

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: Modifications to WAC language are necessary to align rules with child care development fund grant requirements to not pursue overpayments that may occur related to presumptive eligibility approvals, except in cases of fraud or intentional program violations, per Engrossed Substitute Senate Bill 5167. This is the fourth emergency filing for this project. The third was filed as WSR 26-06-065.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 110-15-0271 Payment discrepancies—Consumer
Suspended:

Statutory authority for adoption: Chapter 43.216 RCW

Other authority: N/A

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: These rule amendments are needed to comply with Engrossed Substitute Senate Bill 5167.

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:

	New	Amended	Repealed
Federal statute:	____	____	____
Federal rules or standards:	____	____	____
Recently enacted state statutes:	____	1	____

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New ____ Amended ____ Repealed ____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New ____ Amended ____ Repealed ____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New ____ Amended 1 Repealed ____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	1	Repealed	____

Date Adopted: June 26, 2026	**Signature:**
Name: Brenda Villarreal	
Title: DCYF Rules Coordinator	

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0271 Payment discrepancies—Consumer. (1) ((~~DCYF establishes~~)) The department may establish overpayments for past or current consumers when the consumer:

(a) Received benefits in an amount greater than the consumer was eligible to receive;

(b) Received benefits or services based on the eligibility criteria of the consumer's participation in an approved activity, but the consumer did not participate in the activity;

(c) Failed to report information accurately under the requirements of this chapter, which resulted in an error in determining eligibility, amount of care authorized, or copayment; or

(d) Received benefits for a child who was not eligible under WAC 110-15-0005, 110-15-0015, or 110-15-0020((~~; or~~

~~(e) Failed to return, by the sixtieth day, the requested income verification of new employment as provided in WAC 110-15-0012~~)).

(2) ((~~DCYF~~)) The department or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has 14 consecutive calendar days to provide any requested documentation.

(3) Consumers may be required to repay any overpayments they received, including overpayments resulting from ((~~DCYF~~)) the department or DSHS error and benefits paid by DSHS or ((~~DCYF~~)) the department they were not eligible to receive.

(4) If a consumer is not eligible under WAC 110-15-0030 through 110-15-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment.