



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: May 26, 2023

TIME: 9:19 AM

WSR 23-12-023

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

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) July 1, 2023 (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: Rules are needed for the delivery of child welfare services and, more specifically, for DCYF to better identify when to apply state and federal Indian Child Welfare Acts codified as chapter 13.38 RCW and 25 U.S.C. ch. 21 respectively. This rule-making will address issues identified in the Court's opinion in Matter of Dependency of Z.J.G., 196 Wn.2d 152, 471 P. 3d 853 (2020).

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 110-110-0010
 Suspended:

Statutory authority for adoption:

RCW **74.08.090**, chapter **13.38** RCW, and 25 U.S.C. chapter 21

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-08-084 on April 5, 2023 (date).
 Describe any changes other than editing from proposed to adopted version: None.

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

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>1</u>	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: May 26, 2023

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 20-04-019, filed 1/27/20, effective 2/27/20)

WAC 110-110-0010 Foster care planning for Indian children—Definitions. For the purposes of this section through WAC 110-110-0100, the term "Indian child" is defined as any unmarried and unemancipated Indian person who is under age (~~eighteen~~) 18 and is, as determined by the Indian child's tribe or tribes, one of the following:

- (1) A member of an Indian tribe; or
- (2) Is eligible for membership in an Indian tribe (~~and is the biological child of a member of an Indian tribe~~).