

RULE-MAKING ORDER PERMANENT RULE ONLY

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

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DATE: August 23, 2023

TIME: 9:28 AM

WSR 23-17-160

Agency: Department of Children, Youth, and Families (DCYF)
Effective date of rule: Permanent Rules □ 31 days after filing. □ Other (specify) (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: DCYF is amending these rules to provide governance when transferring individuals convicted as adults to the Department of Corrections.
Citation of rules affected by this order:
New: 110-745-0010
Repealed:
Amended: 110-745-0020, 110-745-0030, 110-745-0040, 110-745-0050, 110-745-0060 Suspended:
Statutory authority for adoption: RCW 13.40.280; RCW 72.01.410
Other authority:
PERMANENT RULE (Including Expedited Rule Making) Adopted under notice filed as WSR 23-15-104 on July 18, 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.

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The number of sections adopted in order to comply	y 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Federal statute:	New		Amended		Repealed	
Federal rules or standards:	New		Amended		Repealed	
Recently enacted state statutes:	New		Amended		Repealed	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	a nongc	overnmenta	ıl entity:			
	New		Amended		Repealed	
The number of sections adopted on the agency's o	own init	iative:				
	New		Amended		Repealed	
The number of sections adopted in order to clarify	, strean	nline, or ref	orm agency p	rocedu	ıres:	
	New	<u>1</u>	Amended	<u>5</u>	Repealed	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Negotiated rule making:	New		Amended		Repealed	
Pilot rule making:	New		Amended		Repealed	
Other alternative rule making:	New		Amended		Repealed	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: August 23, 2023		Signature:				
Name: Brenda Villarreal			Ba	de i). 0	
Title: DCYF Rules Coordinator						

Chapter 110-745 WAC TRANSFER OF ((JUVENILE OFFENDER)) INDIVIDUAL TO THE DEPARTMENT OF CORRECTIONS

NEW SECTION

WAC 110-745-0010 Applicable transfers. WAC 110-745-0020 through 110-745-0060 apply only to transfers pursuant to RCW 13.40.280.

<u>AMENDATORY SECTION</u> (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

- WAC 110-745-0020 Notification to ((juvenile)) proposed transferred individual. ((A juvenile)) (1) Individuals in the custody of the department being considered for transfer to DOC ((shall)) must be notified in writing at least ((five)) seven calendar days in advance of the review board hearing convened to consider the matter.
- (2) The written notification ((to the juvenile offender will)) must include the reasons the transfer is being considered and a copy of the rules pertaining to the review board hearing.
- (3) Prior to any review board hearing, ((the juvenile)) individuals being considered for transfer to DOC, or ((the juvenile's)) their attorney, ((shall)) will have the right ((of)) to access ((to, and adequate opportunity to)) and examine any department files or records ((of the department)) pertaining to the proposed transfer of the ((juvenile)) individual to the ((department of corrections)) DOC.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

WAC 110-745-0030 Composition of board. The review board will be composed of the ((director of DJR)) assistant secretary of juvenile rehabilitation division (JRD) or designee who will serve as the chairperson, and two ((other juvenile rehabilitation)) JRD administrators appointed by the ((chairman)) chairperson. The chairperson may also appoint up to three members of the department's legal office to serve on the review board. In the event of a tie vote, the chairperson or designee will act as the tiebreaker.

[1] OTS-4727.4

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

- WAC 110-745-0040 ((Attendance at)) Conduct of hearing. (1) Attendance at a review board ((shall)) hearing will be limited to parties directly concerned.
- (2) The chairperson may exclude unauthorized persons unless the parties agree to their presence.
- (3) Parties ((shall)) will have the right to present evidence, cross-examine witnesses, and make recommendations to the board.
- ((All relevant and material evidence is admissible which, in the opinion of the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.)) (4) The hearing must be recorded manually or by a suitable recording device.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

- WAC 110-745-0050 Consideration of evidence. (1) The review board must consider all evidence presented at the hearing by assessing the relevance, credibility, and usefulness of the evidence.
- (2) At the conclusion of the hearing, the review board will consider all evidence presented and ((make a decision)) decide whether continued placement of the ((juvenile offender in an)) individual in a juvenile rehabilitation institution ((for juvenile offenders)) presents a continuing and serious threat to the safety of others in the institution.

AMENDATORY SECTION (Amending WSR 19-14-079, filed 7/1/19, effective 7/1/19)

WAC 110-745-0060 Record of decision. The ((chair of the)) review board will prepare a written record of the decision and reasons ((therefore)) no later than seven calendar days after the hearing, unless extended by the secretary. ((The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.))

[2] OTS-4727.4