



# PROPOSED RULE MAKING

## CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 13, 2024

TIME: 5:19 PM

WSR 24-13-064

**Agency:** DSHS, Economic Services Administration, Division of Child Support

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 24-09-039 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW 19.85.025(4).**

**Title of rule and other identifying information:** (describe subject) The department is amending WAC 388-14A-3375 to remove a reference to public assistance standards as a basis for the calculation of a credit for payments made for shelter care by a paying parent. The public assistance standards referenced in WAC 388-14A-3375 were established by the Community Services Division (CSD) in WAC 388-478-0010, which was repealed in 2020.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
July 25, 2024	10:00 a.m.	Virtually via Teams or Call in	Hearings are held virtually, see the DSHS website at <a href="https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings">https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings</a> for the most current information.

**Date of intended adoption:** [Not earlier than 7/26/2024] (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name DSHS Rules Coordinator  
 Address PO Box 45850, Olympia, WA 98504  
 Email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
 Fax 360-664-6185  
 Other  
 Beginning (date and time) noon on June 20, 2024  
 By (date and time) 5:00 p.m. on July 25, 2024

**Assistance for persons with disabilities:**

Contact Shelley Tencza, DSHS Rules Consultant  
 Phone 360-664-6036  
 Fax 360-664-6185  
 TTY 711 Relay Service  
 Email [Shelley.Tencza@dshs.wa.gov](mailto:Shelley.Tencza@dshs.wa.gov)  
 Other  
 By (date) 5:00 p.m. on July 11, 2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Under WAC 388-14A-3375, DCS is authorized to provide several different types of credits towards a noncustodial parent's support obligations. One of these is a credit for payments made for shelter care before services of the administrative support establishment notice. The calculation of the credit is based on one-half of the actual shelter payment or on public assistance standards. The public assistance standards referenced in WAC 388-14A-3375 were established by CSD in WAC 388-478-0010 and have since been repealed. Public assistance standards can no longer be a basis for the credit. Removal of the reference is appropriate. DCS also proposes other technical edits in line with the office of the code reviser's drafting guidelines.

**Reasons supporting proposal:** This rulemaking ensures DCS and CSD WAC chapters and policies align and provide correct and current information to the general public.

**Statutory authority for adoption:** RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055, and 74.20A.056

**Statute being implemented:** RCW 74.20A.055 and 74.20A.056

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Name of proponent:** (person or organization) Department of Social and Health Services, Economic Services Administration, Division of Child Support  
**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting Rules Coordinator	Monica Turnbaugh, DCS	DCS HQ, PO Box 9162, Olympia WA	98507-9162 360-664-5339
Implementation Rules Coordinator	Monica Turnbaugh, DCS	DCS HQ, PO Box 9162, Olympia WA	98507-9162 360-664-5339
Enforcement Rules Coordinator	Monica Turnbaugh, DCS	DCS HQ, PO Box 9162, Olympia WA	98507-9162 360-664-5339

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No  
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

No: Please explain: Although this rule may meet the definition of a significant legislative rule under RCW 34.05.328, the requirement for a cost-benefit analysis does not apply because it is a DSHS rule relating only to liability for care of dependents [RCW 34.05.328(5)(b)(vii)]

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations)         | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)             | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 34.05.328\(5\)\(b\)\(vii\)](#).

Explanation of how the above exemption(s) applies to the proposed rule: This proposal does not affect small businesses. This rule is exempt under RCW 34.05.328(5)(b)(vii) – Rules of the department of social and health services ... concerning liability for care of dependents.

**(2) Scope of exemptions:** *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency’s minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

<b>Date:</b> June 11, 2024	<b>Signature:</b> 
<b>Name:</b> Katherine I. Vasquez	
<b>Title:</b> DSHS Rules Coordinator	

**WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?**

(1) After the noncustodial parent (NCP) has been advised of the requirement to make payments to the Washington state support registry (WSSR) by service of a support establishment notice, or by entry of a support order requiring payments to WSSR, the NCP may obtain credit against the support obligation only:

(a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or

(b) As provided under subsections (3) and (6) of this section.

(2) The division of child support (DCS) allows credit against a NCP's support debt for family needs provided directly to a custodial parent (CP), a child, or provided through a vendor or third party only when the:

(a) Items are provided before service of the notice on the NCP;

(b) NCP proves the items provided were intended to satisfy the NCP's support obligation; and

(c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.

(3) After service of the notice, an NCP may obtain credit against the parent's current support obligation only when the NCP proves that the payments were made and:

(a) DCS determines there ~~(is)~~

~~(i) Is~~) is no prejudice to:

~~((A)) (i)~~ The CP, a child, or other person; or

~~((B)) (ii)~~ An agency entitled to receive the support payments ~~(-)~~ ; and

~~((ii) Are special)~~ (b) Special circumstances of an equitable nature ~~((justifying)) justify~~ credit for the parent's payments ~~(-)~~ ; or

~~((b)) (c)~~ A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.

(4) DCS does not allow credit for shelter payments made before service of the notice in an amount more than ~~((the greater of the:~~

~~(a) Shelter allocation in the public assistance standards for the period when payments were made; or~~

~~(b) One-half))~~ one-half of the actual shelter payment.

(5) DCS does not allow credit for shelter payments made after service of the notice.

(6) DCS applies credits for dependent benefits allowed under RCW 26.18.190 as required by WAC 388-14A-4200.