



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Children's Administration

Subject of possible rule making:

The department is proposing to amend WAC 388-15-009 "What is child abuse or neglect?" and other related rules as may be required.

Statutes authorizing the agency to adopt rules on this subject:

RCW 74.08.090, RCW 74.04.050, RCW 74.13.031, chapter 26.44 RCW

Reasons why rules on this subject may be needed and what they might accomplish:

PL 114-22 amended the Child Abuse Prevention and Treatment Act (CAPTA), a federal law for state receipt of federal funds, to require that a child be considered a victim of "child abuse and neglect" and of "sexual abuse" if the child is a victim of sex trafficking. To continue to qualify for federal funds, WAC 388-15-009 must be changed to incorporate sex trafficking, and this change must be implemented by May 29, 2017. These changes also align with anticipated changes to the Washington State Criminal Code.

In addition, the Washington State Court of Appeals has issued two published opinions related to RCW 26.44.020(1) and (16): *Marcum v. Dep't. of Soc. and Health Svcs.*, 172 Wn. App. 546, 290 P.3d 1045 (2012), and *Brown v. Dep't. of Soc. and Health Svcs.*, 190 Wn. App. 572, 360 P.3d 875 (2015). Therefore additional changes are being made to WAC 388-15-009 to clarify the Department's interpretation of RCW 26.44.020(1) and (16) in light of those published opinions.

Additional changes to WAC 388-15-009 will be made to strengthen and clarify the existing language.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The department will continue to coordinate with the Office of the Attorney General.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact: Stephanie Frazier

P.O. Box 45710
Olympia, WA 98504

Phone: (360) 902-7922 Fax: (360) 902-7903
E-mail: Stephanie.frazier@dshs.wa.gov

TTY:

DATE April 20, 2017
NAME (TYPE OR PRINT) Katherine Vasquez
SIGNATURE 
TITLE DSHS Rules Coordinator

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<div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: April 20, 2017 TIME: 2:47 PM WSR 17-10-006</p> </div>