WAC 110-03-0210 Rules an ALJ or review judge must apply when making a decision. (1) The ALJ or review judge must first apply the DCYF rules adopted in the Washington Administrative Code.

(2) If no DCYF rule applies, the ALJ or review judge must decide the issues according to the best legal authority and reasoning available, including federal and Washington state constitutions, statutes, rules, and appellate court decisions.

(3) When applying DCYF program rules regarding the substantive rights and responsibilities of the parties, the ALJ or review judge must apply the DCYF program rules in effect on the date the DCYF issued a written notice of a DCYF action, unless otherwise required by other rule or law. If DCYF amends its notice of action, the ALJ or review judge must apply the rules in effect on the date the amendment was made, unless otherwise required by other rule or law.

(4) When applying procedural rules, the ALJ or review judge must apply the rules that are in effect on the date the procedure is followed.

(5) The ALJ or review judge must apply the rules in this chapter beginning on the date each rule is effective.

[Statutory Authority: RCW 34.05.220, 43.216.020, and 43.216.065. WSR 20-02-031, § 110-03-0210, filed 12/19/19, effective 1/19/20.]