



Washington State
Department of Social
& Health Services

CA Children's Administration

Child Protective Services: Guidance for Mandated Reporters

2012



Mandatory Reporting Laws

- Mandated Reporters must report suspected child abuse or neglect (or cause a report to be made) to law enforcement or CPS when they believe a child has suffered abuse or neglect or may be at risk of abuse or neglect. [RCW 26.44.030 \(1\)\(a\)](#)
- The report must be made at the first opportunity, but no later than forty-eight hours after there is belief that the child has suffered abuse or neglect. [RCW 26.44.030 \(1\)\(f\)](#)
- A child is defined as any person under the age of eighteen years. [RCW 26.44.020 \(6\)](#)

Child Abuse and Neglect

Types of Abuse

- Physical Abuse
- Sexual Abuse
- Sexual Exploitation
- Negligent Treatment or Maltreatment
- Abandonment

RCW 26.44.020 (1) and WAC 388-15-009



Child Abuse and Neglect

Physical Abuse

- **Physical Abuse *means the non-accidental infliction of physical injury on or physical mistreatment of a child. Physical abuse includes:***
 - Throwing, kicking, burning, or cutting a child;
 - Striking a child with a closed fist;
 - Shaking a child under age three;

Child Abuse and Neglect

Physical Abuse:

- Interfering with a child's breathing;
- Threatening a child with a deadly weapon;
- Doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks or which is injurious to the child's health, welfare, and safety. (WAC 388-15-009)

Child Abuse and Neglect Sexual Abuse

- **Sexual abuse *means either committing or allowing any sexual offense against a child as defined in criminal code. This includes:***
 - Intentional touching, either directly or through the clothing, the sexual or other intimate parts of a child or,
 - Allowing or causing a child to engage in touching the sexual or other intimate parts of another for the purpose of sexual gratification of the person touching the child, the child, or a third party.

Child Abuse and Neglect Sexual Exploitation

- **Sexual exploitation *means allowing or causing a child to engage in:***
 - Prostitution;
 - Sexually explicit, obscene, or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or
 - Sexually explicit, obscene, or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

Child Abuse and Neglect

Negligent Treatment

Maltreatment

- **Negligent Treatment or Maltreatment *means an act or failure to act or cumulative effects of a pattern of conduct, behavior, or inaction, that shows a serious disregard of consequences and constitutes a clear and present danger to a child's health, welfare, or safety. Neglect includes, but isn't limited to:***

Child Abuse and Neglect

Negligent Treatment

Maltreatment

- Failure to provide adequate food, shelter, clothing, supervision, or health care necessary for a child's health, welfare, or safety. Poverty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves;
- Actions, failures to act, or omissions that result in injury to or that create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child.

Child Abuse and Neglect Abandonment

- **Abandonment *means the parent:***
 - Deserts the child with the intent to abandon
 - Leaves the child without the basic necessities of life, such as food, water, shelter, etc.
 - Forgoes parental rights, functions, duties, and obligations for extended period of time.

Child Abuse and Neglect

Potential Signs and Symptoms of Child Abuse and Neglect

- The first step in helping abused or neglected children is learning to recognize the signs of child maltreatment.
- The presence of a single sign of child abuse or neglect **may or may not** mean child abuse is occurring. When you are concerned about a situation, consider the impact to a child's safety.

Child Abuse and Neglect

The Older Child or Adolescent

- When you're considering the impact to child's safety, remember: **All children and older youth have the right to live in an environment free from abuse and neglect.**
- Potential signs of child abuse and neglect must not be discounted because of a child's age and the child's "perceived" capacity to protect themselves.

Child Abuse and Neglect Newborn Safety Act (Safe Haven)

- The intent of this legislation was to assure abandonment does not occur and all newborns have an opportunity for adequate health care and a stable home life.

RCW 13.34.360

- The Safety of Newborn Children Act allows a parent to transfer a newborn anonymously and without criminal liability to a hospital emergency room, fire station or federally designated rural health clinic, if open and personnel are present to accept the child.
- It is not child abuse or neglect when a parent ‘transfers’ a newborn child under the Safety of Newborn Children Act.

Mandatory Reporting Who Reports ?

Who must report child abuse & neglect?

- Any person who, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reason to believe that a child has suffered abuse or neglect by a person responsible for the child's care.
- Any adult who has reasonable cause to believe that a child who resides with them has suffered severe abuse, and is able or capable of making a report.

RCW 26.44.030

Mandatory Reporting

Who Reports ?

Some examples include:

<ul style="list-style-type: none">• Teachers• School counselors and other school staff• Higher education employees	<ul style="list-style-type: none">• Doctors• Nurses• Pharmacists• Therapists• Psychologists	<ul style="list-style-type: none">• Police officers• Coroners• Department of Corrections personnel	<ul style="list-style-type: none">• Child and Family Ombudsman's staff
<ul style="list-style-type: none">• Court Staff• Guardians ad• CASA's	<ul style="list-style-type: none">• Department of Early Learning staff	<ul style="list-style-type: none">• DSHS Staff	<ul style="list-style-type: none">• Childcare providers

For a complete list of mandated reporters, see: [RCW 26.44.030](#)

Mandatory Reporting

Why Report?

Mandated reporters submit about 60 percent of all referrals to CPS.

Why should I report abuse and neglect?

- So that children can be protected from further harm.

What if I do not report?

- Every person who is required to make, or cause a report to be made and knowingly fails to do so, shall be guilty of a gross misdemeanor.

[RCW 26.44.080](#)

Mandatory Reporting

What If I Have Questions?

- *What if I'm not sure if I should make a report?*
- Contact your local DSHS/Children's Administration office or the Child Abuse and Neglect Hotline to discuss the situation.
- If you are in doubt about what should be reported, it is better to make your concerns known than to remain silent and possibly allow a child to remain unprotected.

Mandatory Reporting

Who Do I Call?

Who do I make a report to?

- If the child is in danger – **Call 911**
- Children's Administration offices
 - **Daytime:** Contact a local DSHS/CA office. A listing of offices is located at:
<https://fortress.wa.gov/dshs/f2ws03apps/caofficespub/offices/general/OfficePick.asp>
 - **Nights & Weekends:**
The Child Abuse and Neglect Hotline at
1-866-ENDHARM (1-866-363-4276).

Mandatory Reporting

What Do I Report?

What if the abuse or neglect occurred in the past?

- The reporting law does not apply to abuse or neglect that occurred during childhood if it's discovered after the child has become an adult.
- However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect, then the requirement applies.

Mandatory Reporting

What Do I Report?



What information will I be asked to provide?

It is important to provide as much information as possible about why you believe there is child abuse or neglect. This information will assist Children's Administration in determining how best to respond to the situation.

- Mandated reporters will be asked to provide their name in order to satisfy their mandatory reporting requirement and make it possible for the CA social worker to contact you if more information is needed.

Mandatory Reporting

What Do I Report?

- The name, address and age of the child and parents, stepparents, guardians, or other persons having custody of the child.
- Nature and extent of alleged abuse and neglect.
- Any knowledge of previous incidents of abuse or neglect.
- Issues that may impact a child's safety, such as child's age, vulnerability, parent's mental health or substance abuse.

Mandatory Reporting

What Do I Report?

- Parents' resources and strengths that can help the parents' care for and protect the children.
- Parents' response to interventions, etc.
- Names of family members.
- Whether the child may be of Indian ancestry for Indian Child Welfare planning, if applicable.
- CPS may request records about a child kept by mandated reporters for review during a CPS investigation. [RCW 26.44.030](#)

Mandatory Reporting Can I Be Sued?

Can I be sued for making a report?

- Any person making or testifying about a child abuse or neglect report in good faith is immune from any liability arising out of such reporting or testifying. [RCW 26.44.060](#)
- A person who, intentionally and in bad faith, knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with [RCW 26.44.080](#).

Racial Disproportionality

What is Racial Disproportionality ?

- When the population of children of color in any system including the child welfare system is higher than the population of children of color in the general population.
- Data shows the greatest disproportionality for children of color in WA state occurs when:
 - The initial referral to Child Protective Services (CPS) is made.
 - The decision to remove the child from the home is made.
 - A child is in placement for over two years.

Racial Disproportionality

Disproportionality in Washington State

- Native American children were three times as likely as White children to be referred to CPS for suspected abuse or neglect.
- Black children were twice as likely to be referred as White children.
- Multiracial children were 1.5 times as likely to be referred as White children.
- Families of color may be more likely to seek support from social service agencies and are more likely to make contact with mandated reporters as a result.

Racial Disproportionality

To successfully improve outcomes for children at risk:

- Be culturally aware and sensitive as well as aware of one's own bias.
- Identify and understand the importance of a child's natural community including family (paternal and maternal), ethnicity, race, and cultural ties.
- Identify the child's tribal affiliation; if there is more than one identify all potential tribal connections.
- Identify if a child is receiving services from a tribe or Native American organization.
- Team with the community to provide protection and higher quality service delivery.

Racial Disproportionality

Err on the side of caution

The reduction of racial disproportionality is critical and we all have a responsibility to examine our personal biases based on race, ethnicity, and other factors. However, if you truly believe that ANY child is the victim of abuse or neglect, do not hesitate to call.



Racial Disproportionality

- For further information watch What Mandated Reporters Need to Know About Racial Disproportionality in the Child Welfare System
 - <http://www.youtube.com/watch?v=fb32deeM4UU&feature=youtu.be>

The Role of Children's Administration

What is the role of Intake?

- Gather information from callers
- Make additional contacts as needed
- Screen and assess information
- Evaluate departmental authority to intervene
- Assign intake to proper CA program

The Role of Children's Administration

SUFFICIENCY SCREEN QUESTIONS :

- Is the victim under 18 years of age?
- If the allegation were true, does the allegation minimally meet the WAC definition of CA/N?*
- Does the alleged subject have the role of parent/caregiver, act in loco parentis or, or is the alleged subject unknown?

The Role of Children's Administration

What happens if a report doesn't meet the legal definition of child abuse or neglect?

- Intake staff document this information as an "Information Only" intake in the Children's Administration database called FamLink.

The Role of Children's Administration

What is the Role of CPS?

- Protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and
- Conduct investigations of child abuse and neglect reports. [RCW 26.44.020 & 26.44.030 & 74.13.031\(3\)](#).
- Provide services and/or refer families to services to keep children safe.

Resources for Mandated Reporters

What can I do if I disagree with the Intake or CPS decision?

- Use the chain of command.
 - Ask to speak to the Supervisor.
 - Ask to speak to the Area Administrator.
 - Ask to speak to the Regional Administrator.
- Contact Constituent Relations 360-902-8060.
- Contact the Office of the Family and Children's Ombudsman (OFCO)
<http://www.governor.wa.gov/ofco/index.htm>



Resources for Mandated Reporters

- **Domestic Violence**
 - [Washington State Coalition Against Domestic Violence : http://www.wscadv.org](http://www.wscadv.org)
 - [Social Worker's Practice Guide to Domestic Violence http://ca.dshs.wa.gov/intranet/manuals/dvguide.asp](http://ca.dshs.wa.gov/intranet/manuals/dvguide.asp)
- **What Mandated Reporters Need to Know About Racial Disproportionality in the Child Welfare System:**
<http://www.youtube.com/watch?v=fb32deeM4UU&feature=youtu.be>

Resources for Mandated Reporters

- Housing Resources
<http://ca.dshs.wa.gov/intranet/pdf/manuals/housingresources.pdf>
- Women's Shelters in Washington
<http://www.usattorneylegalservices.com/women-shelters-Washington.html>
- Washington Homeless Shelter
<http://www.homelessshelterdirectory.org/washington.html>
- Washington Food Banks -- <http://www.commerce.wa.gov/maps/>
- Parent Trust for Washington's children - Parenting education and support -- <http://www.parenttrust.org/>
- Child Welfare Information Gateway -- <http://www.childwelfare.gov/>