

WAC**WAC 170-295-6040****What are the requirements regarding child abuse and neglect?**

- You and your staff must protect the child in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW.
- You must immediately report an instance when you or the staff have reason to suspect that child physical, sexual, or emotional abuse, child neglect, or child exploitation as defined in chapter 26.44 RCW has occurred. This report must be made to Child Protective Services.
- If there is immediate danger to a child you must also make a report to local law enforcement.

WAC**The Regulations**

You must report suspected child abuse, neglect or exploitation to Child Protective Services (CPS) or your local law enforcement agency immediately. If the suspected child abuse or neglect involves you or your staff, you must also inform your licensor.

Chapter 26.44 of the RCW describes the rules and procedures for dealing with the abuse of children, adult dependents or persons with developmental disabilities. In part, it states:

“When any licensed or certified child care provider or their employee has reasonable cause to believe that a child... has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.”

The RCW further specifies:

- ◆ What possible actions CPS may take following a report
- ◆ That you are immune from any civil or criminal liabilities if you report a case of suspected child abuse in good faith

- ◆ That, as part of a suspected abuse investigation, CPS has the right to interview the child in your center and look at any of your files, and
- ◆ That you can be charged with a gross misdemeanor or if you do NOT report a suspected case of child abuse, neglect, or exploitation.

Definitions of Abuse and Neglect:

- ◆ Inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health or loss or impairment of any bodily function
- ◆ Creating a substantial risk of physical harm to a child's bodily functioning
- ◆ Committing or allowing to be committed any sexual offense against a child as defined in the criminal code, or intentionally touching, either directly or through clothing, the genitals, anus or breasts of a child for other than hygiene or child care purposes
- ◆ Committing acts which are cruel or inhumane, regardless of observable injury (such acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard for a child's pain and/or mental suffering)
- ◆ Assaulting or criminally mistreating a child as defined by the criminal code
- ◆ Failing to provide food, shelter, clothing, supervision or health care necessary to a child's health or safety,
- ◆ Engaging in actions or omissions resulting in injury to, or creating a substantial risk to, the physical or mental health or development of a child, and
- ◆ Failing to take reasonable steps to prevent the occurrence of the above.

Not all acts of abuse involve physical harm to a child. Mental cruelty, threats, and failure to adequately supervise children are also types of child abuse or neglect.

If You Suspect a Child Is a Victim of Abuse or Neglect

You are in a unique position to recognize abusive situations in the early stages and to take actions that can end the abuse of children. You must contact CPS if you even suspect that certain injuries or bruises may not be accidental. You must contact CPS if you see signs of emotional or sexual abuse or physical neglect. Even if you have made a report to CPS about a particular child earlier, you must report each new injury or incident. The phone number for CPS should be among the emergency numbers posted by each telephone in your center.

In most circumstances you should not inform parents you are making a CPS report. However, you must inform parents in your parent policy handbook that you are a mandated reporter and that you will report any suspicion of child abuse, neglect, or exploitation. Do not attempt to interview the child or to manage the situation yourself. Both interviewing and investigating are the responsibility of CPS. The pamphlet, "Protecting the Abused and Neglected Child" DSHS 22-163(X)" outlines indicators of physical abuse and neglect, emotional abuse and neglect, and sexual abuse. Your licenser can supply you with a copy of the pamphlet which offers more detailed information.

Calling CPS does not mean CPS will actually investigate the family. A trained intake worker screens incoming calls to determine if the case requires further investigation. This intake worker can also answer any questions you have about how to respond to a certain situation. Their response is both child-focused and family-oriented. Their purpose is to safeguard the child while helping ease the circumstances and behavior patterns causing the abusive situation.

If CPS conducts an investigation you must be cooperative. CPS personnel have the right to interview children in your center, with or without you or the parents present.

If You or Someone Working for You Is Reported to CPS for Suspected Child Abuse

Sometimes parents or community members report caregivers to CPS. They may be responding to something they have seen or something children have told them. The Division of Licensed Resources (DLR) is the section of Child Protective Services that investigates alleged child abuse or neglect incidents in licensed child care facilities. This safeguards not only the children but the good name of your center as well.

Depending on the circumstances, an employee may be able to continue working under supervision during an investigation. Or the DLR/CPS investigator or your licensor may have the employee remain off the premises until further into the investigation. Your licensor will let you know if an employee is disqualified due to a founded CPS investigation.

If you are the one under investigation, DLR/CPS may require you to take a leave of absence or suspend care until the investigation is complete. If you have direct evidence that your employee did something which endangers the children or violates the conditions of your license (see WAC 170-295-0070), you must dismiss the employee. You must, however, follow your center's policies and procedures for terminating any staff person's employment. For your own legal protection, do not fire or suspend an employee simply because DLR/CPS is investigating them.

You do not need to inform the parents that your facility is being investigated, but be aware that rumors do spread. When the investigation is complete, you may want to tell the parents about the investigation. Inform them what steps, if any, you have taken as a result of the incident. You must not mention the specific names of the children or staff involved in the investigation.

Note: Make sure you have policies and practices in place to prevent child abuse or neglect:

- Advise your staff to be aware of appearances in how they touch children or play with them
- Be sure that your staff understand your behavior management and guidance policies, and use them appropriately
- Post your self-reporting procedure so it is accessible to staff when they need it
- Provide CPS training annually and to newly hired staff (required by licensing), and
- Arrange schedules and staff supervision so no staff member is routinely alone with the children for long periods of time.