

# Licensing Division (LD) Child Protective Services (LD/CPS) Investigation

## FAQ for Child Care Owners & Directors



### Q: What is LD/CPS and what is their role?

**A:** Licensing Division Child Protective Services (LD/CPS) investigates allegations of physical abuse, sexual abuse, negligent treatment, and/or maltreatment, sexual exploitation, abandonment, and child fatalities.

### Q: Who is required to report child abuse or neglect?

**A:** If you are identified as a **mandated reporter** (For more information, refer to the publication Reporting Child Abuse or Neglect (CWP\_0040) available online: [https://www.dcyf.wa.gov/publications-library/CWP\\_0040](https://www.dcyf.wa.gov/publications-library/CWP_0040)), you are required by law to report your concerns to the Department of Children, Youth & Families (DCYF), Child Abuse Hotline (1-866-ENDHARM) or law enforcement **RCW 26.44.030** (<https://apps.leg.wa.gov/rcw/default.aspx?cite=26.44.030>) Local Intake numbers and information about reporting abuse and neglect can be found at [www.dcyf.wa.gov/safety/report-abuse](http://www.dcyf.wa.gov/safety/report-abuse). If the allegation happened in a facility licensed to care for children, or subject to licensing, the case is assigned to LD/CPS for investigation.

### Q: Are there any consequences for someone who makes a false report?

**A:** According to **RCW 26.44.060** (<https://app.leg.wa.gov/rcw/default.aspx?cite=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 9A.20.021** (<https://apps.leg.wa.gov/rcw/default.aspx?cite=9A.20.021>).

### Q: How do I know if the individual is being investigated versus the program?

**A:** LD/CPS investigates a person or persons alleged to have committed abuse or neglect. Any issues or concerns related to a license or program are investigated by a licensor.

### Q: Will law enforcement be involved?

**A:** Law enforcement is notified if a crime has been alleged. It is the law enforcement agency's discretion if they assign it to a detective.

### Q: What are my responsibilities during a CPS investigation?

**A:** As a child care director your responsibility is to make children and staff available to the investigator. You will work directly with your licensor for any staffing or licensing related issues.

### Q: What rights do I have during this process?

**A:** Child Care Providers have the right and are encouraged to consult with an attorney for questions regarding their rights during LD/CPS investigations.

### Q: How long does the investigation process take?

**A:** LD/CPS has 45 days by policy to complete an investigation, however a longer time may be necessary dependent upon the circumstances. By law, an investigation cannot exceed 90 days unless a law enforcement agency or prosecutor has determined a longer investigation period is necessary.

### Q: Do I need to allow children to be interviewed without parents' permission?

**A:** Yes. LD/CPS will notify parents at the earliest time that does not interfere with an investigation. In most cases LD/CPS will speak with the parent before an interview. Do not notify the parents yourself as it may interfere with the investigation.



**Q: If an investigator requests a full contact list of enrolled families, even when an incident only involves specific children, do providers have to provide that information?**

**A:** Yes. Under [RCW 26.44.030](https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.030) (<https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.030>) the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

Additionally, per [WAC 110-300-0035\(2\)\(c\)](https://app.leg.wa.gov/wac/default.aspx?cite=110-300&full=true#110-300-0035) (<https://app.leg.wa.gov/wac/default.aspx?cite=110-300&full=true#110-300-0035>); [110-301-0035\(2\)\(c\)](https://app.leg.wa.gov/WAC/default.aspx?cite=110-301-0035) (<https://app.leg.wa.gov/WAC/default.aspx?cite=110-301-0035>); and [110-302-0035\(2\)\(c\)](https://app.leg.wa.gov/WAC/default.aspx?cite=110-302-0035) (<https://app.leg.wa.gov/WAC/default.aspx?cite=110-302-0035>), the department may deny, suspend, revoke, or not continue a license when licensees refuse to allow the department's authorized staff access to any of the following: Child, staff, or program records or files.

**Q: Who can be present when an employee is being interviewed?**

Information obtained during an LD/CPS investigation is confidential. It is the choice for the interviewee if they want a 3rd party present as long as the 3rd party is not seen as potentially jeopardizing the investigation.

**Q: What are the rules about contacting child care employees on their personal cell phones?**

LD/CPS can have contact information for parents, children, or staff. As a mandated reporter, under [RCW 26.44.030](https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.030) (<https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.030>), a child care is to provide LD/CPS with all relevant records.

**Q: Can child care staff refuse to answer questions?**

**A:** Staff can choose to not be interviewed. A finding will still be made without their input and based on the information gathered during the course of the investigation.

**Q: What kind of resources are available during a CPS investigation?**

**A:** There are a variety of resources available depending upon the type of facility being investigated. Find resources and training on the [Mandated Reporter webpage](https://www.dcyf.wa.gov/safety/mandated-reporter). (<https://www.dcyf.wa.gov/safety/mandated-reporter>)

**Q: What are findings?**

**A:** The LD/CPS investigator determines whether the allegation rises to the level of child abuse or neglect as defined by state law in [RCW 26.44.020](https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.020) (<https://app.leg.wa.gov/RCW/default.aspx?cite=26.44.020>). An allegation is either founded or unfounded.

**Founded means:** Based on the information available, it is more likely than not that the abuse or neglect did occur.

**Unfounded means:** Based on the information available, it is more likely than not that the abuse or neglect did not occur, or that there was not enough evidence to determine whether the alleged child abuse did or did not occur.

LD/CPS also has the authority to complete risk only investigations. A risk only investigation will assess the present and future risk to children in the facility.

**Q: How will I be notified when the investigation is complete?**

**A:** A letter will be sent to the subject of the investigation and the parent of the alleged child victim at the completion of the investigation. This letter will contain the finding and next steps if applicable. Child care directors will not receive a letter or report from LD/CPS but will receive any follow-up information from their licenser. A copy of the Investigative Assessment can be obtained through [Public Disclosure](https://dcyf.wa.gov/public-records). (<https://dcyf.wa.gov/public-records>) at [dcyf.publicdisclosure@dcyf.wa.gov](mailto:dcyf.publicdisclosure@dcyf.wa.gov).

**Q: How do I appeal a decision? What is the appeal process?**

**A:** The process will be outlined in the findings letter received at the completion of the investigation. Find additional information on Administrative Hearings, [Chapter 110-03 WAC](https://app.leg.wa.gov/wac/default.aspx?cite=110-03&full=true) (<https://app.leg.wa.gov/wac/default.aspx?cite=110-03&full=true>).

**Q: Who do I contact if I have concerns about the investigation?**

**A:** If you have a concern or complaint about the way your case was handled, please contact the investigator's supervisor first. If you think the issue is unresolved, contact the LD safety and monitoring area administrator in your region.

You may contact the [Office of Constituent Relations](https://dcyf.wa.gov/contact-us/constituent-relations) (<https://dcyf.wa.gov/contact-us/constituent-relations>) at 1-800-723-4831 for assistance at any time.

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