

Parent's Guide

to Child Protective
Services (CPS)



Children's
Administration

Division
of Children
and Family
Services

Table Of Contents

Topic	Page
What Is Child Protective Services (CPS)?	2
What Is Child Abuse And Neglect?	2
How Did CPS Hear About Me?	3
What Right Does CPS Have To Interview My Child?	3
When Do The Police Get Involved?	4
What Is “Protective Custody?”	5
What Happens When My Child Is Placed In Protective Custody?	5
What Services Are Available To Me And My Family?	6
What Is An Alternative Response System (ARS)?	7
What Rights Do I Have When I Am Investigated By CPS?	8
What Rights Do I Have If I Disagree With How CPS Is Handling My Case?	9
What Is Out-Of-Home Placement?	10
What Is A “Dependency?”	11
What Are My Rights As A Parent When My Child Is Placed In Out Of Home Care Or Is Found To Be Dependent?	11
What Are My Child’s Rights?	13
What Is Expected Of Me?	13
How Can I Get My Child Back?	14
Do I Need A Lawyer?	15
How Do I Plan For My Child’s Future?	16
What Is “Termination Of Parental Rights?”	17
What Can An Individual Do If There Is Disagreement With The CPS Social Worker About Case Decisions?	18
Where Can An Individual Get More Information?	18
Nondiscrimination Policy	19

What Is Child Protective Services (CPS)?

CPS is one of the activities of staff in the Division of Children and Family Services (DCFS) of the Department of Social and Health Services (DSHS). CPS is responsible for protecting children from abuse or neglect.

CPS staff are required by law to investigate reports of suspected child abuse or neglect that meet the legal definition of child abuse or neglect.

What Is Child Abuse And Neglect?

There are several types of CA/N:

Physical abuse includes any injury to a child that is not accidental (broken bones, bruises, burns, cuts and other injuries) or any action which could have seriously harmed the child but luckily did not (striking a child with a weapon, discharging a gun in the presence of a child, or other similar actions).

Emotional abuse includes making a child feel that he/she is not loved or that he/she is bad or has no value (demeaning or belittling a child, not allowing a child to have friends, name calling, and other similar behaviors). Domestic violence incidents may also be considered emotionally abusive to children.

Neglect may include not providing a safe home, food, clothing, or medical/dental care, as well as leaving a young child alone or with someone who is not able to care for him/her, driving while intoxicated with an unrestrained child in the car, etc. Failure to supervise older children can also be considered neglect.

Sexual abuse includes using a child for sex acts, taking pornographic pic-



tures of a child, prostituting a child, or other types of sexual activity with a child.

There are other actions that can be considered types of child abuse and neglect and, in each case, it must be considered whether the child's health, safety, or welfare has been harmed or is at risk of harm.

How Did CPS Hear About Me?

CPS has received a report suggesting that your children are not being given the protection or care they need.

Some persons, such as doctors, nurses, school teachers, social service counselors, psychologists, druggists, day care providers, juvenile probation officers, DSHS employees, Department of Corrections employees, coroners, and adults who live with a severely abused or neglected child are required by law to report suspected abuse or neglect to CPS or to the police (RCW 26.44.030).

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A person who makes a report to CPS may request that his or her name be kept confidential.

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Any other person who believes a child is being abused or neglected may in good faith report such incidents to CPS or to the police. Malicious or intentional false reporting is a misdemeanor and can be prosecuted (RCW 26.44.060(4)).

Mandated reporters are required to make their referrals within 48 hours of the time they become aware of the possible CA/N.

A person who makes a report to CPS may request that his or her name be kept confidential.

What Right Does CPS Have To Interview My Child?

The law authorizes CPS to investigate reports of suspected child abuse or

neglect. In order to make a complete investigation, the CPS worker will want to talk with you and with your child, as well as with other people who may have important information. CPS has the right to interview your child before telling you and without your permission. Children may be interviewed at school, at day care, at home, or in any location that is convenient and comfortable for the child.

If your child has been interviewed by CPS, you will be promptly notified.

CPS and the police also have authority to photograph a child as necessary to document the child's physical condition.

After an investigation that includes an assessment of family strengths and risks to the child(ren), the social worker may continue to visit your home to talk about any problems you are having with your child and what help is available to assist you in making things better for you and your family.

When Do The Police Get Involved?

A report of suspected child abuse/neglect may go either to CPS or to the local police. The police are required to tell CPS about all reports they receive. CPS staff are required to inform the police of all reports that indicate death, physical injury, sexual abuse of a child or other possible crimes.

The police may get involved if it becomes necessary to place a child in protective custody. The police may also be asked to assist when there is reason to be concerned about the safety of the CPS worker.

Even though CPS staff and the police work together, they may make sepa-

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rate investigations. The police conduct criminal investigations, and CPS conducts family assessments. Even when criminal charges are not filed, CPS may remain involved with the family.

What Is "Protective Custody?"

In an emergent situation, where it appears that a child is at risk of imminent harm, or has already been seriously abused or neglected, a police officer can place the child in "protective custody" for no more than 72 hours (not counting Saturdays, Sundays, and holidays). Custody of the child is then transferred to CPS who places the child either into a relative placement or into a licensed foster home.



A court hearing must be held within 72 hours (excluding Saturdays, Sundays, and holidays) of the time the child was placed in custody.

What Happens When My Child Is Placed In Protective Custody?

When your child is placed in protective custody, you are notified in writing as soon as possible. You will be given a form which tells you when and why your child was placed in protective custody. You will also be given the name and phone number of the CPS worker and/or office where you can get more information. You will be notified of when and where a shelter care hearing will be held and how you can get a court appointed lawyer.

At the Shelter Care Hearing, you have the opportunity to tell the court why your child should not be out of your home. If the judge or commissioner agrees with you, your child will be returned.

If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must file a motion for revision with the court within 10 days of entry of the court commissioner's decision.

DCFS may determine that a court action is not necessary even after protective custody is taken by police. In those cases, you may be asked to sign a voluntary placement agreement to be in place until problems can be resolved. Or your child(ren) may be returned to you with services in your home.

What Services Are Available To Me And My Family?

DSHS provides many services to deal with problems. Some services are provided directly by DSHS, and others are provided within the community. The services of CPS are provided free and without regard to income. However, if your family is referred to another agency that charges a fee, you may be required to pay that fee. Out-of-home services such as foster care do have costs that you may have to pay.

Here are some of the services the CPS worker may be able to help your family locate: (Not every one of these will be available in every location.)

- Housing/clothing/limited financial assistance
- Health services/medical care/dental care
- Home Support services



The services of CPS are provided free and without regard to income.



- Child care
- Employment services
- Parenting classes
- Family planning services
- Transportation
- Mental Health services
- Family and marital counseling
- Food banks
- Legal services
- Drug and alcohol abuse programs
- Volunteer assistance: parent aides, Parents Anonymous
- Domestic Violence/Sexual Assault programs

What Is An Alternative Response System (ARS)?

In the State of Washington, CPS reports are evaluated using a Risk Assessment model. If the information given to the intake worker indicates a low level of risk to your child, your case will be referred to an outside agency that contracts with CPS to provide special support services to help you build a net around yourself and your child that will assure protection for your child and emotional or other types of support for you.

Participation with an ARS provider is voluntary, and you may refuse services. However, these providers can often help you get services that will help you and your children be happier and more comfortable. We believe

that, if you have the kind of support you need in the community, you will not become a CPS client.

What Rights Do I Have When I Am Investigated By CPS?

Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department must notify the alleged perpetrator(s) of the report and the department's investigative findings. The notification is made by certified mail to the person's last known address.

There are three possible findings. Founded means that the investigating worker found enough information to believe that more likely than not, the alleged abuse or neglect did occur. Unfounded means that the investigating worker found information that more likely than not the alleged abuse or neglect did not occur. Inconclusive means the investigating worker was unable to determine whether or not the alleged abuse or neglect occurred.

If you are named as a subject in a founded report of child abuse or neglect, you have the right to seek review and amendment of the finding. Within twenty calendar days after receiving written notice from the department you may request that the department review the finding. The request must be made in writing. If your request for a review is not made within the required time, you may not further challenge the finding, and you will have no right to an adjudicative hearing or to a judicial review of the finding.

Upon receipt of a written request for a review, the department will review

and, if appropriate, change the finding. Regional management staff are responsible for the review. Upon completion of the review, the department will notify you in writing of the agency's determination. The notice is sent by certified mail to your last known address.

If, following agency review, the report remains founded, you may request an adjudicative hearing to contest the finding. The request for an adjudicative hearing must be filed within thirty days after receiving the notice of the agency review determination. If your request for adjudicative hearing is not made within the required time, you may not further challenge the finding, and you will have no right to further agency review or to an adjudicative review or to a judicial review of the finding.

What Rights Do I Have If I Disagree With How CPS Is Handling My Case?

A primary concern of CPS is to assure that all persons dealing with the agency are treated fairly and with respect. For that reason, we have a Citizen Complaint Policy and Procedure and a special brochure that outlines the method for assuring that concerns are addressed in an orderly, fair, and timely manner. Concerns about the way your case has been handled can be brought by you, by your child, by a family member, by a professional in the community, or by anyone who has knowledge of the situation.

If you have a complaint or concern about the way your case has been or is being handling by CPS, you should first express your concern to your assigned social worker. If that fails to solve the problem you can contact the worker's supervisor directly. If the issues cannot be resolved by the

supervisor, you can contact the Area Administrator and after that, the Regional Administrator. You may contact the Office of Constituent Relations at 1-800-723-4831 for assistance in resolving the problem at any time.

Any individual may also take a complaint to the Office of the Family and Children Ombudsman at 1-800-571-7321 which is an agency that is separate from DSHS and has the authority to investigate any concern about the actions of the Children's Administration brought by any citizen of the State of Washington. The Ombudsman usually expects that internal complaint resolution procedures be used prior to that office becoming involved.

What Is Out-Of-Home Placement?

Most of the time children reported to CPS are not removed from their homes. Children are placed away from their parents only when it becomes necessary to protect them from immediate harm or continuing abuse or neglect.

An appropriate relative is usually the preferred placement for a child. If no appropriate relative is available, the child will be placed in a licensed foster home. Foster parents provide day-to-day care for children and receive monthly reimbursement payments to help cover the cost of caring for the child. The child and the foster parents are supervised by the assigned social worker as long as the child is in placement.

Some children have such serious problems that they cannot live in a family situation. These children may be placed in a group home or in a treat-

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ment facility. Such settings are better equipped to deal with a child who has serious acting out behaviors or who has mental health problems.

What Is A "Dependency?"

In very serious cases, the department or any other person may file a petition with the court stating that a child:

- has been abandoned;
- is abused or neglected;
- has no parent, guardian, or custodian capable of caring for the child.

The court will hold a hearing to determine if one of these reasons for dependency exists. The court will also decide whether the child should be



in his/her own home or in placement outside the home, and who is to supervise the child during the time the court is involved. This temporary order of the court is called a "dependency."

Dependency review hearings are held every six months to see how well the court's plan to reunite the family is progressing and whether or not the court's involvement needs to continue.

What Are My Rights As A Parent When My Child Is Placed In Out Of Home Care Or Is Found To Be Dependent?

Parents have some additional rights unless a court orders otherwise.

If your child is placed in protective custody, you have the right to be notified in a timely fashion and to be informed as to why the child was placed.

If your child is in an out-of-home placement (foster care, group home, or institution), you have the right to visit with the child, unless the court orders otherwise. The court's order will usually determine the frequency and location of these visits.

You can always question any decision that limits or denies visiting rights.

CPS will do everything in its power to keep you informed of the progress of your child's health and development, progress in school, and behavior. For this to be done, you need to keep your CPS worker aware of your living arrangements.

You have the right to know what is expected in order for your child to be returned home after an out-of-home placement.

You have the right to be consulted whenever a change is being considered in the case plan that affects you or your child.

You have the right to receive help and/or counseling for problems that need to be resolved.

You have the right to receive prior notice of, and to attend, any court hearings held regarding your child or affecting your parental rights (except if the court acts in an emergency).

You have the right to request a shelter care court hearing when you are unable, for good cause, to attend the 72 hour hearing.

You have the right to receive a decision for each hearing based solely on the evidence presented at the hearing with an unbiased judge or fact finder.

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You have the right to have an attorney whenever court proceedings are involved. If you cannot afford an attorney, your CPS worker will provide information as to how to get one appointed by the court.

All clients have the right to have services provided in the language they prefer and in a culturally sensitive manner.

What Are My Child's Rights?

Your child has rights, as well. They include:

- The right to food, shelter, and clothing to meet his/her needs.
- The right to protection and freedom from harm, harassment, danger, injury, and neglect.
- The right to emotional security.
- The right to health care, which includes diagnosis and treatment of medical, dental, and emotional conditions.
- The right to have his/her rights protected during any court process. A person called a "guardian-ad-litem" may be appointed by the court to help protect the child's rights. This occurs if a court action of any sort happens.

What Is Expected Of Me?

You have certain responsibilities:

- To provide your child with necessary clothes and personal items (pajamas, toys, or other items) to help your child be more comfortable if he/she is in care outside of your home.
- To visit your child regularly, in a time and place agreed upon with CPS

staff. If you must miss a visit, it is your responsibility to notify the CPS worker in advance.

- To work with CPS staff in setting up the plan for your child's future, including actions you need to take.
- To work toward solving the problems that have caused the abuse or neglect. If your CPS worker and/or the court refer you somewhere to get help for a problem, you should follow up on that referral or talk to your social worker about your concerns.
- To keep the social worker informed of changes in your life, such as a new address or phone number, a change of employment status, marriage/divorce or other change that may affect the plan for your child.
- To keep appointments with CPS staff and with other helping professionals. If you cannot keep an appointment or must cancel, let your CPS worker know in advance.
- To provide information about your child, including previous medical care, school status, or other information that may affect the plan for your child.
- To talk about your child's care and progress with CPS staff.
- To contribute to the cost of providing care for the child.

How Can I Get My Child Back?

CPS wants to keep your child at home as long as it is safe for the child. CPS has taken steps to place him/her in an out-of-home placement only because the situation at home created significant risk or put your child in



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immediate danger. The petition for dependency, of which you receive a copy, describes the conditions that the social worker thought placed your child in danger. If you do not understand what it says, ask your worker and your lawyer to explain the petition to you. In order for your child(ren) to be returned to you, the conditions described in the petition must be resolved.

The best ways to accomplish this are:

- Be present in court every time there is a hearing about your child. If you do not attend a hearing, the judge may interpret your absence to mean that you do not care what happens to your child.
- Obey the court order. Any order issued by the court regarding your child(ren) will include a case plan with specific requirements for you. If the court orders you to attend anger management classes or substance abuse treatment, do it, even if you think you do not need to. You may be surprised at what you can learn about yourself in classes or treatment.
- Make it safe for your child to come home. This may mean asking someone else to leave your home. Or it may mean solving problems you have. Or it may mean taking steps to improve the living conditions in your home. The court will not let your child return home until it is safe to do so.

Do I Need A Lawyer?

You are free to retain an attorney at any time if you want to. However, you cannot get a court appointed lawyer unless a dependency petition has been filed.

If a dependency petition has been filed, you do need an attorney, and if you cannot afford one, the court will appoint one for you. If your child has been placed in protective custody the written notice you receive will tell you how to ask for one. If you do not understand, contact your CPS worker or the Juvenile Court.

Your attorney represents your interests in court. Be sure to talk with your lawyer before each hearing so that he/she will know how to best represent you. If you and your child's other parent are not married or live apart, separate attorneys may be appointed for the two of you.

Your child may have a "guardian ad litem" appointed to represent his/her best interests. This person may want to talk to you. If so, he/she will be better able to represent your child if you report what you know about your child.

Your CPS worker will also be represented by a lawyer provided by the Office of the Attorney General.

How Do I Plan For My Child's Future?

Having a permanent home is very important to a child. If you were in foster care or moved from relative to relative as a child, you can understand how important this is to your child.

CPS also understands how important permanency is to a child. Removing a child from his/her family is usually temporary. The goal of CPS is to end temporary placement and make sure the child has a safe situation in his/her own home.

You can help your child by working with CPS to develop and write a



plan. This plan should list the problems that you and CPS have discussed. The plan should say what needs to be done to correct the problems, who will do what, and how long this will take.

What Is "Termination Of Parental Rights?"



Termination of parental rights means that the parent no longer has any rights or responsibilities toward the child.



Termination of parental rights means that the parent no longer has any rights or responsibilities toward the child. The parent would have no legal right to see or visit the child, no right to custody of the child, no right to decide the child's future. The court has the authority to decide to end the legal rights of the parent to his or her child.

In some cases, a parent may voluntarily free a child for adoption by signing a legal document called "A Relinquishment of Parental Rights." Signing this document is a very serious matter that should be thought about very carefully and discussed fully with the CPS social worker and a lawyer.

The court may end a parent's rights without permission when:

- the court has determined that a dependency exists;
- the court has ordered services to correct the problems causing the dependency and the problems still exist;
- your child has been in out of home care for 12 months, and you have not made sufficient progress to allow your child to be safely returned home in the near future;
- the services ordered by the court have been offered and provided;
- there is little likelihood that conditions will improve so that the child can return home; and

- the continuation of the relationship between the parent and the child will make finding a permanent home for the child more difficult.

Any time a parent's rights have been terminated, the DCFS worker will work toward a permanent placement for the child.

What Can An Individual Do If There Is Disagreement With The CPS Social Worker About Case Decisions?

Open discussion with CPS staff can usually resolve most disagreements. However, if disagreements are not resolved at that level, any individual can initiate the complaint process discussed earlier in this booklet.

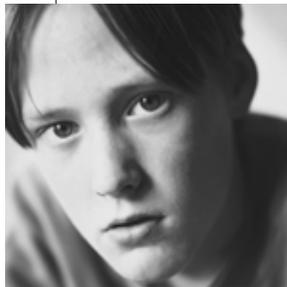
If a dependency is involved, both parents and children should tell their lawyers about the disagreement. CPS staff will also give this information to the department's attorney.

If no resolution is found with these processes, any individual may contact:

- The Office of the Family and Children's Ombudsman, at 1-800-571-7321 or the Children's Administration Office of Constituent Relations at 1-800-723-4831 or (360) 902-8061.
- If the individual believes the problem is indicative of a violation of civil rights, other agencies can be contacted:
- Office for Civil Rights, United States Department of Health and Human Services, 1-800-362-1710; TDD (206) 615-2296.

- Washington State Human Rights Commission; 1-800-605-7324, Seattle; 1-800-233-3247, Olympia; 1-800-662-2755, Yakima.
- Division of Access and Equal Opportunity, Washington State Department of Social and Health Services; 1-800-521-8060, TDD, 1-800-521-8061.

All the policies, procedures, and manuals of DCFS are public record and can be viewed at any local office. Please call ahead and make an appointment so that current manuals can be available and someone to answer questions can also be present.



The laws, called the Revised Code of Washington (RCW), can be found in the reference section of major libraries, through a lawyer, or sometimes at the County Courthouse. Sections that apply to CPS are found in Chapters 13.34, 26.44, and 74.13.

Individuals directly involved in a CPS investigation can review their own files by making an appointment or request through the local DCFS office. Certain information must be deleted from these files before they are viewed by the clients.

Nondiscrimination Policy

It is the policy of the Children's Administration that no person shall be subjected to discrimination, excluded from participation, or denied the benefits of any of its programs or activities, or that of its contractors, on the basis of race, color, national origin, creed, religion, sex, marital status, age, disability, Vietnam era veteran, disabled veteran, retaliation, sexual

orientation, or the use of a trained guide dog or service animal. Reasonable accommodations for people with disabilities, including interpreters and materials in alternate forms, will be provided upon request..

- Clients who believe they have been discriminated against by the Children's Administration may file a complaint with any of the following agencies:
- Office for Civil Rights, United States Department of Health and Human Services, 1-800-362-1710; TDD (206) 615-2296.
- Washington State Human Rights Commission; 1-800-605-7324, Seattle; 1-800-233-3247, Olympia; 1-800-662-2755, Yakima.
- Division of Access and Equal Opportunity, Washington State Department of Social and Health Services; 1-800-521-8060, TDD, 1-800-521-8061.

