

Reporting of Child or Dependent Person Abuse

Any employee who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect is required to report such abuse or neglect directly to the proper law enforcement agency and/or the Department of Social and Health Services, Child Protective Division. The report shall be made at the first opportunity, but in no case, longer than forty-eight (48) hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

The law requires that ESD employees report any child abuse or neglect; however, this policy speaks only to abuse or neglect which is brought to the employee's attention during the course of his/her work.

In determining if reasonable cause exists, employees are encouraged to consult with others who may have pertinent information; however, each employee who determines that there is reasonable cause to believe abuse or neglect has occurred is individually responsible to personally report in accordance with the following administrative regulations.

Definitions

"Abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child or adult dependent person by any person under circumstances, which indicate that the person's health, welfare, and safety is harmed thereby. An abused person is a person who has been subjected to abuse or neglect as defined herein: PROVIDED, That this shall not be construed to authorize interference with child raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety.

"Adult dependent persons" are persons over the age of eighteen (18) years who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated.

"Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

"Reasonable cause" means a suspicion founded upon circumstances sufficiently strong to warrant a reasonable person in belief that the charge is true. When facts and circumstances within the employee's knowledge, and of which he/she had reasonably trustworthy information, are sufficient in themselves to justify a person of average caution in belief that abuse and/or neglect has been or is being committed.

"Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child or adult dependent person to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person.

Immunity from Liability

Any person participating in good faith in the making of a report pursuant to this policy or testifying as to alleged abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

Penalty for Failure to Report

Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 (this policy) and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a gross misdemeanor.

Legal References:

*RCW 26.44.030 Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information—Filing dependency petitions—Investigations—Interviews of children—Records—Risk assessment process.
RCW 26.44.020 Definitions.
RCW 26.44.040 Reports—Oral, written—Contents.
RCW 26.44.060 Immunity from civil or criminal liability—Confidential communications not violated—Actions against state not affected—False report, penalty.
RCW 26.44.080 Violation—Penalty.*

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