

Safe Haven



Queen Anne

LUTHERAN CHURCH

SEATTLE, WA

We are a community of faith committed to the mission of proclaiming
God's love in Christ for every person.

We share in God's Word, which shapes our faith formation, through a varied and diverse range of conversations that challenges both children and adults to appreciate the elusive but real presence of God in the world and to bring faith to expression in word and deed.

We share our faith in an inclusive community as we embrace all people,
including those of all cultures, races, and sexual orientation.

A few words about Risk Management at Queen Anne Lutheran Church: We care about children and vulnerable adults and the people who work with them. It is the goal of our church to provide a warm, friendly and safe environment in which we can nurture the faith development of every person.

Risk Management includes two levels:

1. A screening process to assure that all persons working with children and/or vulnerable adults can provide a healthy and safe place and can provide a God-caring relationship.
2. A training component that equips us with skills that will help us be sensitive and alert to abusive situations and a loving response.

By screening and training we witness to our care for children and vulnerable adults and the message, "We value every person." We believe as Christians we are called to be good stewards of the gifts God gives us, which include the most vulnerable among us and those who teach and nurture them. We trust you to support this effort to demonstrate our love and care for each other.

QALC'S SAFE HAVEN FOR CHILDREN POLICY

*People were bringing little children to [Jesus] in order that he might touch them. . .
And he took them up in his arms, laid his hands on them, and blessed them.
(Mark 10:13a, 16)*

Why do we have this Safe Haven policy?

God embraces children with love, placing their nurture and care in our hands. We remember that Jesus wrapped small children in the loving arms of his embrace, and we do the same. Christian community includes physical touching—the holding of hands in prayer, an embrace at the exchange of the Peace, even the kiss of peace among friends. The Church should know the difference between this healthy touching and the abuse or exploitation of children. It should carefully select and supervise persons who work with children on behalf of the Church.

To this end, Queen Anne Lutheran Church (the “Church”) prepared this Safe Haven policy. The policy applies to all Church-related activities that involve minors. The policy should help educate staff and volunteers about their role in abuse and injury prevention, provide general procedures that reduce these risks, and implement a method of effective response if an incident should occur. Changes to this policy are done by a task force and submitted in writing to the Council for their approval. The appendix will be updated as RCW’s change and will not require the Council’s approval.

To whom do these policies apply?

These policies apply to staff and volunteers serving in the Church’s youth or children’s ministries programs. They should be distributed to all staff and volunteers and are available in the Church’s office and website.

Definitions used in this policy:

The following definitions apply to this policy.

Child: any person under the age of 12

Youth: any person from age 12 through 18

Church: Queen Anne Lutheran Church

Council: The Church Council of Queen Anne Lutheran Church.

Executive Committee: The Executive Committee of the QALC Church Council.

Program Leader: A person (paid or volunteer) designated to lead a program by staff, Church Council or QALC Committee.

Safe Haven Consultation Team: A task force designated by Council and the pastor to give consultation on this policy. See Section 6 of this policy for further description of duties.

Staff: A person paid by the Church.

Volunteer: A person who performs services for the Church without payment.

Youth and Children’s Ministry Program Staff: Staff directly involved in the Youth and Children’s Ministry Programs of Queen Anne Lutheran Church.

What is contained in these policies?

- Section 1. Operating policies for Youth and Children's Ministries
- Section 2. Screening and selection of volunteers and staff
- Section 3. Training of staff and volunteers
- Section 4. Incident reporting
- Section 5. Response to allegations
- Section 6. Safe Haven Consultation Team and Spokesperson duties

The following section is provided as reference, but will change as state law changes:

- Section 7. Appendix of Applicable RCW's (Revised Code of Washington)

This is a general policy and should not be construed to provide any explicit or implied contractual rights. The Church reserves the right to amend this policy at any time without advance notice in its sole discretion.

This policy was modeled closely after the Safe Haven policy of Our Savior's Lutheran Church in Everett, WA, and we are grateful for the efforts made by that congregation to create comprehensive and clear policy that adheres to our state law and to the spirit of our faith.

Section 1. Operating policies for Youth and Children's Ministries

It is necessary that adults interact with children in a way that is caring, nurturing and respectful. These general policies regarding conduct and supervision represent the minimum standards of conduct expected from all staff and volunteers; some programs have additional requirements. Church staff or volunteers should direct questions or concerns regarding these policies or the care of children to a member of the Church's Safe Haven Consultation Team or a pastor. The Church office maintains a list of the Safe Haven Consultation Team members.

The Two-Adult Rule

At least two adults (over age 18) should be present at all Church-related activities involving minors. Adults should monitor one another's interaction with children. They are also to be available to the children in case of emergencies. Younger persons may assist adults, but should not take the place of adult workers.

When young children need an adult's assistance with the toilet, the attending adult will leave the stall door or outside door, as applicable, open slightly so that adult-child interaction can be monitored.

No staff or volunteer at a Church activity or on Church property is to be alone with a child, unless the adult is the child's parent or guardian. If, for example, only one child shows up for a class, he or she should join another class or the session should be canceled. Staff and volunteers should never transport a child in a car on behalf of the Church without the presence of another adult or at least one other child.

Exceptions to the Two-Adult Rule

An exception to the Two-Adult Rule is that a minor, 14 years or older, may supervise younger children in the nursery as long as an adult is in close proximity and able to observe activities in the nursery.

A second exception to the Two-Adult Rule is that a classroom setting, in which one instructor may be alone in a room with several children, complies with this policy only if other adults, such as instructors in other classrooms, are in close proximity. "**Close proximity**" means that a second adult is close enough to monitor the classroom and regularly observe all activities. Any classroom without a window to the hallway or with windows that are obscured shall have the door open to allow outside monitoring.

Nursery attendants must also comply with this rule.

Limited circumstances, such as private pastoral counseling and adult-student mentoring, may require exceptions to the Two-Adult Rule. However, in those circumstances, three restrictions apply:

- (1) the adult must obtain permission from the program leader or pastor in advance;
- (2) the session or meeting must be scheduled when others are present on the Church's premises and in a room with windows where others can visibly observe the minor; or in a public place where others can visibly observe the minor; and

(3) A record with date, time, and brief explanation must be written, and turned in to the program leader, pastor, or other person designated by them. Please use the form “Documentation of Exceptions to Two-Adult Rule.”

Children or youth may request that their parents not be informed of a counseling session; if so, their request may be respected by the staff person or a pastor in his or her sole and absolute discretion. The above three restrictions still apply to such a meeting. Staff or volunteers must disclose to a pastor or program leader any statements made by a child that indicate that a person’s health, safety or welfare is in jeopardy.

Overnight Rule

On an overnight Church-related activity, children and adults must not sleep in close physical proximity. No child shall sleep in a tent or alone in a room with one adult unless the adult is the child’s parent or guardian. Overnight activities that are mixed gender should have at least one adult male and one adult female present. If the activity is single gender, at least one of the adults present should be of the same gender as the children. At least two adults should be present at all overnight Church-related activities involving minors.

Touching Policy

Physical touching should be appropriate to the age of the child and meet the child’s, rather than the adult’s, needs for comfort, encouragement, or affection and is under the child’s control. It should only take place in the presence of other adult staff or volunteers, and must not give even the appearance of inappropriateness (this topic will be discussed during training). Questionable touching should immediately be brought to the attention of the program leader, pastor, or Safe Haven Consultation Team member.

Discipline Policy

The following actions shall not be used by staff or volunteers: spankings or other forms of corporal punishment, and verbal forms of punishment that may commonly be considered abusive, such as cursing or threatening physical violence (this topic will be discussed during training).

Adult to Child Ratios

Ministry with children includes the direction, guidance and care of children by adults. The ratio of adults to children depends upon the activity and associated risk. The following are general minimums (programs may require more adults):

Age 0-11 months 2 adults for every 8 children with one additional adult for every additional group of 4 children.

Age 12-29 months 2 adults for every 14 children with one additional adult for every additional group of 7 children.

Age 2½ -5 years 2 adults for every 20 children with one additional adult for every additional group of 10 children

Age 5 years & above 2 adults for every 24 children with one additional adult for every additional group of 12 children.

In mixed groups the ratio for the youngest child should be used. Two-Adult Rule applies to all age groups.

Supervision of Safe Haven Policy for Children's Program

Council/Staff should appoint someone to implement this Safe Haven policy. That person should also be responsible for ensuring that the appropriate forms are used (Queen Anne Lutheran Church forms, state-mandated forms, or other applicable forms) and that those forms are up to date.

Safe Haven Consultation Team members shall be approved by the Council after nomination by the lead pastor in consultation with the Executive Committee, and after appropriate screening.

Section 2. Screening and selection of volunteers and staff

Process of Staff and Volunteer Screening

All staff and volunteers working with children will be screened with a background check and must complete an authorization do so along with a criminal history information supplement form.

Candidates approved for employment or volunteer service after screening must sign a written statement that they will abide by the Safe Haven for Children policy.

Staff and program leaders should implement the screening process of all applicants.

Criteria for Staff and Volunteer Selection

Anyone refusing to participate fully in the screening process, or any person with prior convictions, may not be allowed to work with children, unless they are excused by the Lead Pastor and the Safe Haven Consultation Team. This does not necessarily exclude them from other areas of ministry as determined in the sole discretion of the pastors. *If, however, a background check reveals a prior sexual-misconduct-related or allegation of sexual harassment offense that person may be permanently ineligible to volunteer to perform social services, counseling, or in any way be involved in the care, supervision and/or teaching of minors, including nursery, day care, school, athletic and/or overnight activities involving minors, or mentorship of minors.*

Minimum age for those who work with children is 18. (see exceptions to the Two-Adult Rule) Minors who assist adults in ministry to children are also to be screened to the extent deemed appropriate by a program leader after obtaining parental consent.

Criteria for Adults Providing Transportation

In addition to the above process, those who drive on behalf of the Church must be 21 years of age, possess a valid driver's license, be insured and have proof of insurance, and have a driving record which the program leader deems acceptable under the terms of the Church's current driving policy. The Church reserves the right to verify driving records. In the use of a rental vehicle, only those adults who fall within the rental agreement age range will be permitted to drive the rental vehicle. Drivers must also agree to enforce current seat belt laws and current child restraint laws. See Applicable state laws appendix.

Decisions on Selection of Staff and Volunteers

The Church reserves the right to reject any application to work in youth and children's ministries, recognizing that there are many factors besides this screening that may influence this decision. In instances where it is unclear to a program leader whether an applicant meets selection criteria, that decision may be made by consensus of the program leader, the staff responsible for background checks, and the staff with oversight of this program leader.

Section 3. Training of staff and volunteers

The Church should provide training to its staff and volunteers regarding this policy, including, but not limited to, Safe Haven operating procedures, child abuse reporting policies, and the recognition of general signs of abuse and neglect. Training should include practice sessions and "what if" scenarios. The Church should offer this training at least once a year, and also for staff and volunteers before they have unsupervised interaction with children. Staff and volunteers should sign acknowledgments that they have received this training and the signed acknowledgements should be included in the employee's or volunteer's file.

Section 4. Incident reporting

STEP#1: Reporting

Individuals (staff or volunteer¹) that have reasonable cause to believe that abuse/ or neglect has taken place with a minor in care shall report immediately and directly to CPS or law enforcement within 24 hours. CPS should be contacted directly at their 24 hour hotline 1-866-ENDHARM (1-866-363-4276) or local law enforcement at 9-1-1. Always document on a QALC Safe Haven Report at least the following information: known dates, names, quotes from children and visual signs of suspicion of abuse or neglect.

STEP #2: Reporting to Church Authorities

All individuals (staff or volunteer) that have reasonable cause to believe that abuse/ or neglect has taken place with a minor in care shall report to their program leader or pastor. A report shall be made at the first opportunity, but no later than 24 hours after the reporting of the suspected abuse or neglect to the authorities listed in step #1.

If a verbal report is received, the program leader or pastor will document the report immediately. All documentation shall be confidential as defined by law.

PLEASE NOTE: Examples of incidents, observations or statements that create reasonable cause are covered in Safe Haven Training.

¹: For our purposes, individual staff and volunteers at Queen Anne Lutheran Church are **mandatory reporters** as defined in RCW 26.44.030 (see Section 7)

Definitions of Abuse and Neglect:

Most people have an intuitive sense of what defines abuse/ or neglect, and it may or may not be correct. This will be discussed during training. It suffices here to say the law defines:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section. RCW 26.44.020

Section 5. Follow Up to Incident Reporting

Pastoral Care Concerns

The care and safety of children must take priority over concerns regarding consequences of a reported incident for the accused or anyone else. Allegations made by children should be taken seriously and there should be an effort to reach out in support to the alleged victim and the victim's family. At the same time, the person accused must also be treated with dignity and respect which may include removal from the congregation. Support for both the victim and the accused may include recommendations for professional counseling.

However, to prevent the risk of further abuses and to ease the concerns of parents and children, an individual accused of child abuse must immediately be relieved of all duties related to working with children until the Safe Haven Consultation Team and/or Church Council and Pastor determines whether the accused should be reinstated or terminated. If the person is a staff member, arrangements should be made to either continue or suspend his or her income until the allegations are cleared or substantiated. This decision should be made in accordance with contractual agreements.

Contacts beyond the Congregation

After the incident reporting of Section 4 has been completed, both step #1 and step #2, the program leader or pastor shall review and determine further ongoing reporting.

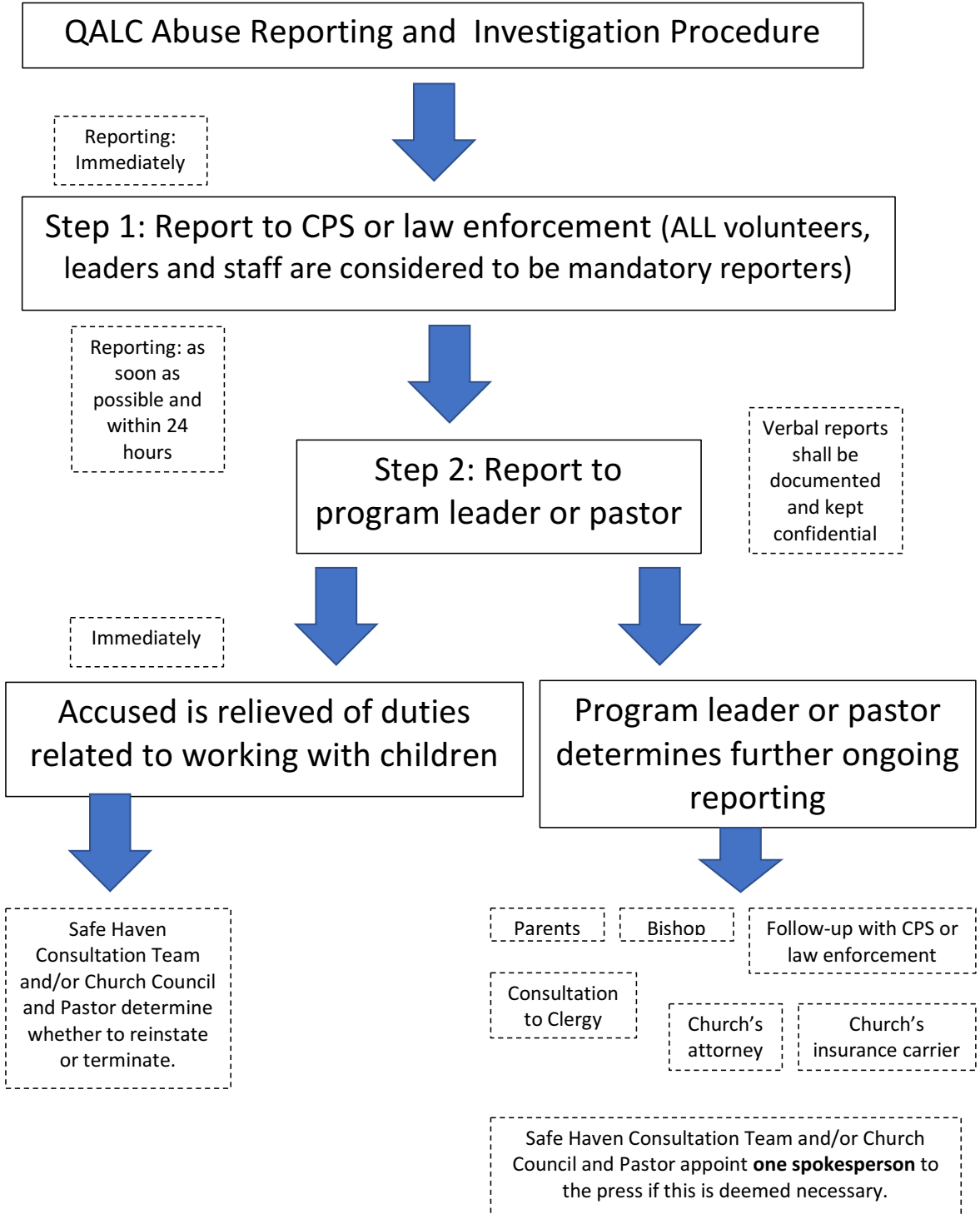
Further action may include but not limited to the following:

- Parent/ or guardians
- Report to CPS or law enforcement
- The Bishop
- Consultation to Clergy
- Church's attorney
- Church's insurance carrier

The congregation should cooperate with investigations made by governmental agencies. The purpose of the incident response policy is to protect, assist, and respect the alleged victim, protect others from potential abuse, and respect the rights of the accused. The purpose is not to determine guilt or innocence. In no case shall a group from within the

congregation take it upon themselves to make a detailed investigation of an incident of child abuse outside of official investigations by law enforcement or legal authorities.

Only persons designated by the Pastor or Church Council shall be a spokesperson to the press if this becomes necessary. This individual should be able to articulate the circumstances in a discrete, informed and diplomatic way while taking into consideration the interests of privacy of the parties involved.



Section 6. Safe Haven Consultation Team and Spokesperson Duties

Responsibilities of the Safe Haven Consultation Team

The Safe Haven Consultation Team will have the sole responsibility of response to concerns expressed by leaders or staff of the church in regards to the Safe Haven policy and practices. It is anticipated that those concerns may include but not be limited to: questions regarding changes in policy, Safe Haven training, individual case questions, interaction between reporting agencies, or helping with interaction with the press will fall under this team. All interaction and recommendations will be initiated by staff or leaders to the team. It is understood that the Consultation team may meet periodically as a team and share observations and insights in regard to the need to update the Safe Haven policy per changes in governmental policies and inquiries brought forward by other staff, leaders and experiences with the practices of the Safe Haven Policy. Team members will understand the requirement for disclosure of child abuse, reporting of child abuse and confidentiality.

Qualifications for Safe Haven Consultation Team Members

Desired qualifications are:

- Professional knowledge and skills in child abuse intervention or crisis intervention.
- Participation in a community of Christian faith.

With the exception of the Pastor, it is recommended that other members of the Safe Haven Consultation Team not be active volunteers working with minors at Queen Anne Lutheran Church, as this may pose a conflict of interest should an abusive incident occur.

Selection of Safe Haven Consultation Team Members

The lead pastor, in consultation with the Executive Committee, should recommend for the Council's approval and appointment persons to serve on the Safe Haven Consultation Team. The Safe Haven Consultation Team should consist of no less than three (3) persons, including the lead Pastor. Any QALC staff person whose primary responsibility is working with minors should not sit on this Team.

The Pastor or Executive Committee may recommend removal of Safe Haven Consultation Team members to the Council at any time. The Council may remove a member of the Safe Haven Consultation Team by a majority vote.

Safe Haven Consultation Team Terms of Service

Safe Haven Consultation Team members should serve for indefinite terms, in order to retain the critical skills and responsiveness necessary for the Safe Haven Consultation Team to carry out its responsibilities. If a team member deems it necessary to resign from the team, it should be shared with Pastor and the Council with at least two weeks' notice in writing.

Duties of the Safe Haven Consultation Team

Each member of the Safe Haven Consultation Team should review the Safe Haven for Children Policy and sign the acknowledgment contained therein. Specific duties of the Safe Haven Consultation Team should include, but not be limited to, the following:

1. Meet two to four times per year in order to maintain Team readiness. Meetings should include the study of various scenarios and appropriate responses to concerns and inquiries brought forth by staff or leaders. Will review an annual report of summary (written and oral) by Pastor or other staff involved in children or youth ministry as appropriate, covering the previous 12 months of incidents and the practice of the Safe Haven policy.
2. Utilize outside resources as needed (Consultation to Clergy, Lutheran Counseling Network, Law Enforcement training, etc.).
3. Develop and maintain an appropriate referral resource list for involved parties.
4. Verify that the policy is in accordance with Washington State Law RCWs.
5. One team member will be assigned as a liaison to the QALC Council to give an annual update and review of the policy as needed.
6. Designate a spokesperson for all external communication related to an event of alleged harm to any minor while involved in Church programs or on the Church premises.
7. A member of the Consultation team has the responsibility to report to church leaders any discrepancies that they experience in the practice of the Safe Haven policy.

Safe Haven Consultation Team Preparation

All Safe Haven Consultation Team members should have documented experience in or receive general training in the following areas:

- Church policy including the Safe Haven for Children and Youth policy;
- Relevant Church organizational structure, constitution, bylaws, and practices (formal and informal);
- Child abuse symptoms, recognition, patterns, and risk indications;
- Community Organizations available as resources and support;
- General legal requirements of the Church related to suspected child abuse or neglect;
- Crisis intervention skills.

Training and experiences will be assessed upon completion of the Safe Haven Consultation Team Application and will be addressed as needed.

Safe Haven Consultation Team Reporting

The Safe Haven Consultation Team will report their activity to the Executive Committee of the Council.

Spokesperson Duties

All media requests for information or comment shall be referred to the pastor who may designate a Safe Haven Consultation Team member to become the Church Spokesperson. Similarly, any statements released by the Church shall be through this channel. All public statements by the Spokesperson should be coordinated beforehand with the Executive Committee of the Council, and as necessary with the Safe Haven Consultation Team or the Church's legal counsel.

Section 7. Applicable state law and appendix

The following section is provided as reference, but will change as state law changes.

Washington State Law – Revised Code of Washington (RCW) 26.44.020

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Court" means the superior court of the state of Washington, juvenile department.
- (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.
- (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.
- (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.
- (5) "Department" means the state department of social and health services.
- (6) "Child" or "children" means any person under the age of eighteen years of age.
- (7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.
- (8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.
- (9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child 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 by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(16) "Child protective services" means those services provided by the department designed to 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. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Washington State Law – Revised Code of Washington (RCW) 26.44.030

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office 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.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the 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.

(d) The reporting requirement shall also apply to 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. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is 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 by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out non-abusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

Washington State Law – Revised Code of Washington (RCW) 26.44.040

An immediate oral report must be made by telephone or otherwise to the proper law enforcement agency or the department of social and health services and, upon request, must be followed by a report in writing. Such reports must contain the following information, if known:

- (1) The name, address, and age of the child;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child;
- (3) The nature and extent of the alleged injury or injuries;
- (4) The nature and extent of the alleged neglect;
- (5) The nature and extent of the alleged sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information that may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators.

Washington State Law – Revised Code of Washington (RCW) 5.60.060(3)

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

Washington State Law – Revised Code of Washington (RCW) 9A.16.100.

It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are presumed unreasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and

condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

Washington State Law – Revised Code of Washington (RCW) 46.61.687

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle or medium-speed electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight years old, unless the child is four feet nine inches or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.

(b) A child who is eight years of age or older or four feet nine inches or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system.

(c) The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) Enforcement of subsection (1) of this section is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a child restraint system must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers. The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(3) A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(4) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian. Failure to use a child restraint system shall not be admissible as evidence of negligence in any civil action.

(5) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(6) As used in this section, "child restraint system" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213.

(7) The requirements of subsection (1) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(8)(a) Except as provided in (b) of this subsection, a person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages resulting from any act or omission in providing the services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(b) The immunity provided in this subsection does not apply to a certified child passenger safety technician who is employed by a retailer of child passenger restraint systems and who, during his or her hours of employment and while being compensated, provides inspection, adjustment, or educational services regarding child passenger restraint systems.

Washington State Law – Revised Code of Washington (RCW) 46.61.688

(1) For the purposes of this section, "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Medium-speed electric vehicle" meaning a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than thirty miles per hour but not more than thirty- five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500;

(c) "Motorcycle," meaning a three-wheeled motor vehicle that is designed (i) so that the driver rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and (ii) to be steered with a steering wheel;

(d) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(e) "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per

hour and not more than twenty-five miles per hour and conforms to federal regulations under 49 C.F.R. Sec. 571.500;

(f) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(g) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2)(a) This section only applies to:

(i) Motor vehicles that meet the manual seat belt safety standards as set forth in 49 C.F.R. Sec. 571.208;

(ii) Motorcycles, when equipped with safety belts that meet the standards set forth in 49 C.F.R. Part 571; and

(iii) Neighborhood electric vehicles and medium-speed electric vehicles that meet the seat belt standards as set forth in 49 C.F.R. Sec. 571.500.

(b) This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required under 49 C.F.R. Part 571 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

WAC 388-15-009

What is child abuse or neglect?

Child abuse or neglect means the injury, sexual abuse, or sexual exploitation of a child by any person under circumstances which indicate that the child's health, welfare, or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(1) Physical abuse means the non-accidental infliction of physical injury or physical mistreatment on a child. Physical abuse includes, but is not limited to, such actions as:

- (a) Throwing, kicking, burning, or cutting a child;
- (b) Striking a child with a closed fist;
- (c) Shaking a child under age three;
- (d) Interfering with a child's breathing;
- (e) Threatening a child with a deadly weapon;

(f) 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 or safety.

(2) Physical discipline of a child, including the reasonable use of corporal punishment, is not considered abuse when it is reasonable and moderate and is inflicted by a parent or guardian for the purposes of restraining or correcting the child. The age, size, and condition of the child, and the location of any inflicted injury shall be considered in determining whether the bodily harm is reasonable or moderate. Other factors may include the developmental level of the child and the nature of the child's misconduct. A parent's belief that it is necessary to punish a child does not justify or permit the use of excessive, immoderate or unreasonable force against the child.

(3) Sexual abuse means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party. A parent or guardian of a child, a person authorized by the parent or guardian to provide childcare for the child, or a person providing medically recognized services for the child, may touch a child in the sexual or other intimate parts for the purposes of providing hygiene, child care, and medical treatment or diagnosis.

(4) Sexual exploitation includes, but is not limited to, such actions as allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in:

(a) Prostitution;

(b) Sexually explicit, obscene or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted; or

(c) Sexually explicit, obscene or pornographic activity as part of a live performance, or for the benefit or sexual gratification of another person.

(5) Negligent treatment or maltreatment means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, on the part of a child's parent, legal custodian, guardian, or caregiver that shows a serious disregard of the consequences to the child of such magnitude that it creates a clear and present danger to the child's health, welfare, or safety. A child does not have to suffer actual damage or physical or emotional harm to be in circumstances which create a clear and present danger to the child's health, welfare, or safety. Negligent treatment or maltreatment includes, but is not limited, to:

(a) 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;

(b) Actions, failures to act, or omissions that result in injury to or which create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child; or

(c) The cumulative effects of a pattern of conduct, behavior or inaction by a parent or guardian in providing for the physical, emotional and developmental needs of a child's, or the effects of chronic failure on the part of a parent or guardian to perform basic parental functions, obligations, and duties, when the result is to cause injury or create a substantial risk of injury to the physical, emotional, and/or cognitive development of a child.