

# CPS Investigations and Findings

## Introduction

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- ❖ **Read this only if you live or have lived in the state of Washington and have a finding of child abuse or neglect against you here.**
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Child Protective Services (CPS) is a statewide government agency. It is part of the Department of Children Youth and Families (DCYF). People who work at CPS are *caseworkers* or *social workers*.

Read this to learn what your rights and responsibilities are when CPS makes a finding against you. CPS findings of abuse or neglect can keep you from working or volunteering with children, developmentally delayed adults, or the elderly for the rest of your life.

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- ❖ For more, or if a Dependency action has been filed, read [Child Protective Services \(CPS\) and Dependency Actions](#).
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## Why is CPS investigating?

If someone reports child abuse or neglect to CPS, CPS must investigate.

## How long will the investigation take?

CPS must finish its investigation within 90 days after a report. They can take longer only if law enforcement is investigating possible sexual abuse.

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- ❖ If the CPS worker believes what they are investigating is serious enough to be criminal, the police might also investigate. If the police contact you, **contact a criminal defense attorney first before speaking with them.**
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## How will I know the CPS investigation is over?

They must send you a letter. It will say CPS believes one of these:

- **Founded** - more likely than not the abuse or neglect happened
- **Unfounded** - more likely than not the abuse or neglect did not happen

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❖ **You must get this notice!** Make sure CPS has an address where you will get notices. CPS must notify you by certified mail. You have a short time to challenge a finding.

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## How will a CPS finding affect me?

It shows up on a background check, even if you are appealing it. **A CPS finding keeps you for at least 5 years from any paid or volunteer work giving you unsupervised access to children or vulnerable adults.** This includes volunteering at a child's school, housekeeping for a long-term care facility, or caregiver jobs. These are just a few examples.

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❖ If it has been 5 years since CPS made its finding against you, you may have options. Read [Certificate of Parental Improvement](#) to learn more.

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## Is a CPS finding against me a criminal conviction?

No. It is an administrative finding.

## Can everyone find out about a CPS finding?

No. It is not available to the public.

## How would employers find out about CPS's finding against me?

CPS reports the finding to the Department of Health and Human Services' (DSHS) Background Check Central Unit (BCCU). If you apply to volunteer or work with children or elderly or developmentally delayed people, you must let the employer ask for a report from BCCU. The CPS finding appears as an **adverse action** of child abuse or neglect. You cannot remove an adverse action from the BCCU report.

## I got a “founded” letter from CPS. Now what?

CPS decided the allegation of abuse or neglect is true. You have 30 days from the date CPS sent the letter to ask them in writing to review the decision.

- CPS **must get** your request within 30 days from getting the letter.
- You **must ask in writing** that CPS review the decision.
- You must **date your letter** to CPS.
- You can give CPS more information to consider. You can give them your written explanation or witness declarations.
- You can mail or hand-deliver your letter to the CPS office that sent you the finding notice.
- Keep a copy for your records. Make a note about how and when you sent or delivered it to CPS.

**If you do not ask for review within 30 days, it is very hard or impossible to get the finding off your record.** It does not matter at that point if it is wrong or you did not get the notice. This is why you must give CPS a good address until you are certain the investigation is over.

## How long will it take CPS to review the finding against me?

A CPS supervisor must review your request within 30 days of the day CPS got it.

## CPS’ review affirmed the finding (said it was correct). Now what?

If the CPS supervisor does not change the finding that you abused or neglected a child, they must send you a letter saying they “affirmed” the finding. **You have 30 days from getting this letter to ask** the Office of Administrative Hearings (OAH) **for a hearing.**

- You must ask for the hearing **in writing** within 30 days.
- Date your letter. Keep a copy of it.
- Mail your letter asking for a hearing to:



Office of Administrative Hearings

P.O. Box 42488

Olympia WA 98504-2488

- You have the right to ask for an **interpreter** at no cost to you.

## **I sent my hearing request. What happens next?**

OAH will send you and the CPS representative a letter about your case. You must note any dates listed in the letter. You must appear in person or by phone on those dates.

## **What is a pre-hearing conference?**

Before your hearing, OAH will set a **pre-hearing conference** with an Administrative Law Judge (ALJ). It will probably be by phone.

The pre-hearing conference should help you understand the issues better and get ready for your hearing.

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- ❖ [Representing Yourself at an Administrative Hearing](#) has more about the pre-hearing conference and the hearing.
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## **What should I do or say at the pre-hearing conference?**

Ask the ALJ to order the CPS representative to send you a copy of your entire file, if they have not already. You can ask for a paper or an electronic version, such as on a thumb drive.

## **What happens after the pre-hearing conference?**

The ALJ sends another letter with the deadlines for you and the CPS representative to file evidence, such as documents, pictures, and other papers showing why the finding is incorrect, and to provide a list of witnesses. By the date in the ALJ's letter, you must also send the CPS representative a copy of anything you send the ALJ. If the ALJ does not give a deadline, your evidence is due to both the ALJ and CPS representative five days before the hearing.

## When will the hearing be?

If you know beforehand that there are dates or times that you cannot go to the hearing, you must let the ALJ know about these conflicts at the pre-hearing conference, or send OAH and the CPS representative a letter. Otherwise, OAH will just set a date. Changing it after that can be hard.

## What happens after the hearing?

The ALJ sends you and CPS a written decision (an **Initial Decision**). If you or CPS disagree with it, you can appeal to a Review Judge who works for DSHS' Board of Appeals (BOA). The Initial Decision says

- how to petition for review
- the deadline to do so

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❖ You must complete a Petition for BOA Review before you can appeal to Superior Court.

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## What is the appeal to the Board of Appeals like?

It is in writing only. Neither you nor CPS appears before the Review Judge.

The Review Judge only looks at documents and testimony from your ALJ hearing. You cannot add any new facts or documents on appeal. **You must give all your evidence** (documents and testimony) **at your hearing with the ALJ.**

If you send the BOA a written appeal, you must send the CPS representative a copy. CPS can respond in writing to your appeal. If CPS appeals, you can respond to theirs.

The Review Judge will send you and CPS a written decision (a Review Decision).

## I disagree with the Review decision. Can I appeal it?

Yes. You can file a Petition for Review of Administrative Decision to the Superior Court in your county or Thurston County Superior Court. You must do this within 30 days of the

date of the Review Decision. If you cannot find a lawyer to help you, use [How to Petition for Superior Court Review](#).

## They closed my “case.” Is the investigation over?

**It depends.** CPS might have more than one “case” involving you. One CPS department might offer services to help with issues with you and your children have. Another investigates abuse and neglect. CPS might close your “services” case but keep the abuse or neglect investigation open. They might have stopped contacting you. That does not mean anything.

**The investigation is only over once you get a notice saying the allegation is Founded or Unfounded. You might get this notice after more than 90 days have passed.**

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- ❖ If you are not sure if CPS has an open investigation, ask them. Protect yourself. Follow up in writing. Save a copy for your records.
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## Are there alternatives to investigation?

Yes. In some cases, CPS may do a “Family Assessment Response” (FAR).

When CPS uses FAR, it is not investigating you to decide if you abused or neglected a child. They will not make a finding of unfounded or founded. They are looking to see if you need help to be a safe parent.

CPS will only do a FAR when they think there may be child neglect or mistreatment but it is at a low risk to harm a child. They can use your CPS history if they contact you again to determine if you are a risk to a child. If you do not take part in the initial meeting with CPS, they may transfer it back to investigation. This means they could make a finding. Read more here: [www.dcyf.wa.gov/sites/default/files/pubs/CWP\\_0023.pdf](http://www.dcyf.wa.gov/sites/default/files/pubs/CWP_0023.pdf).

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