



Christ Lutheran Church

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Safe Haven Policy for Children, Youth and Vulnerable Adults

*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, Christ Lutheran Church (the “Church”) prepared this Safe Haven Policy. The policy applies to all Church-related activities that involve minors and vulnerable adults. 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 may only be made in writing by the Council.

To whom do these policies apply?

These policies apply to staff and volunteers serving in the Church’s ministries involving youth, children, and vulnerable adults. They should be distributed to all staff and volunteers and be available in the Church’s office.

Definitions used in this policy:

- **Church:** Christ Lutheran Church (CLC)
- **Council:** The Church Council of Christ Lutheran Church.
- **Executive Committee:** The Executive Committee of the CLC Council.
- **Program Leader:** A person (paid or volunteer) designated to lead a program by staff, Church Council or CLC Committee.
- **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 Christ 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. Spokesperson duties
- Section 7. Applicable state law

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.

Section 1. Operating policies for Vulnerable Populations

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 the Youth Minister or a pastor.

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, keep the door open, move to an area with more people, 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 without the express consent of the parent.

Exceptions to the Two-Adult Rule

- A minor, 15 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 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.

- Private pastoral counseling and adult-student mentoring. In those circumstances:
 - The adult must obtain permission from the child's parent or guardian and the program leader or a pastor in advance;
 - 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.
 - The Lay Caring Ministry Program (i.e. Stephen Ministry), where an adult from our congregation is partnered with another adult during a difficult time in their life. Although not counselors, the lay caring ministers spend time with the care receiver and walk with them during their time of need. Lay caring ministers must disclose to a pastor or supervisor any statements made by a vulnerable adult that indicate that a person's health, safety or welfare is in jeopardy.
 - Children may request that a pastor or Youth and Children's Ministry Program staff person not inform their parent 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. Staff or volunteers must disclose to a pastor or their supervisor any statements made by a child that indicate that a person's health, safety or welfare is in jeopardy.
 - Whenever exceptions are made to the Two-Adult Rule, a record with date, time, and brief explanation should be written, and turned in to the program leader, pastor, or other person designated by them.

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.

Adult to Child Ratio

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. 2 adults should be present for every 14 Kids (1 to 7 ratio).

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. It should only take place in the presence of other adult staff or volunteers, and must not give even the appearance of inappropriateness. Questionable touching should immediately be brought to the attention of the program leader, pastor, or Executive Committee member.

Harassment, Intimidation & Bullying

The Church recognizes its responsibility to provide a safe environment that is free from all types of discrimination and harassment, including sexual harassment, bullying, and intimidation. Harassment, intimidation, or bullying means any intentionally written message or image (including those that are electronically transmitted) or verbal or physical act, including but not limited to one shown to be

motivated by race, color, religion, creed, ancestry, national origin, sex, gender, sexual orientation, including gender expression or identity, marital status, age, mental or physical disability or other distinguishing characteristics, veteran or military status, or the use of a trained guide dog or service animal by a person with a disability.

Discipline Policy

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

Supervision of Safe Haven for Vulnerable Populations

Executive Committee is responsible for implementing Safe Haven policy. They should ensure that all staff and volunteers related to Preschool, Sunday School, Vacation Bible School, Youth, Stephen Ministry, lay Eucharistic Ministers, and Confirmation Mentors should understand and agree to the policy.

Section 2. Screening and selection of volunteers and staff

All staff and volunteers working with susceptible children and adults should do all of the following:

- Screening form, including a photo identification
- Complete a state and federal background check
- Interview(s) with the appropriate parties
- Sign a written statement that they will abide by the Safe Haven for Children and Vulnerable Adults policy.

Staff and program leaders should implement the screening process.

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 vulnerable persons. This does not necessarily exclude them from other areas of ministry. If, however, a background check reveals a prior sexual misconduct related offense, that person will be permanently ineligible to volunteer to perform social services, counseling, or in any way be involved in the care, supervision and/or teaching, including nursery, day care, school, athletic and/or overnight activities involving minors, mentorship of minors, or Stephen Ministry, etc.

Minimum age for those who work with children is 18. 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.

Applicants should be regular attendees of the Church for at least three months. In certain circumstances (for example, with a new employee or an intern, etc.), this rule may be waived as long as the screening process has been completed.

One reference will be obtained for each volunteer/worker who can attest to their experience with working with children. The program leader or their designee may contact the reference and document that conversation. Records of the reference checks should be maintained with the screening records.

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. No substance should be used, which would impair the driver's ability to safely operate a vehicle (i.e. alcohol, marijuana or other drugs, pain killers, etc.) CLC 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.

Decisions on Selection of Staff and Volunteers

The Church reserves the right to reject any application for work with vulnerable persons within CLC, 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, and the staff with oversight of this program leader.

Section 3. Training of staff and volunteers

All volunteers are expected to know and understand these Safe Haven policies, which will be reviewed with all appropriate staff and volunteers once a year with their supervisor. The policy will be available on the CLCferndale.org website for future reference. If it is determined that a training is necessary or useful, one will be provided.

Section 4. Incident reporting

Reporting to Church authorities

Individuals are encouraged to approach staff or volunteers with information regarding incidents of any suspected abuse or neglect. If an individual approaches staff or a volunteer with this information or a staff member or volunteer suspects abuse or neglect, a report must be made at the first opportunity, but no later than 48 hours after learning of the suspected abuse or neglect, to a member of the Executive Committee (see sections 5 and 6), and/or to a pastor. If a report to the state must be made, the report to the Executive Committee should be made within 24 hours. If a verbal report is received, the Executive Committee, or pastor should document the report immediately. All documentation should be accessible only to individuals designated by the Executive Committee.

Reporting to governmental authorities

State law requires that certain individuals who have reasonable cause to suspect child abuse or neglect must report their suspicion to government authorities within 48 hours. Generally, persons with a duty to report include 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 childcare providers or their employees.

In addition, 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. This is not an exhaustive list of mandatory reporters. A more complete listing of mandatory reporters is found in RCW 26.44.030 which is provided in Section 7 of this policy.

"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 The report to government authorities must be made at the first opportunity, but in no case longer than 48 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. A mandatory reporter's failure to report suspected abuse is a gross misdemeanor and the mandatory reporter's duty is not fulfilled by reporting the abuse to Church authorities. Copies of the relevant statutes are provided in Section 7.

Section 5. Response to allegations

If a staff person or volunteer receives a report of suspected abuse or neglect, or suspects abuse or neglect, he or she should, at the first opportunity, contact a member of the Executive Committee, or a pastor. They should then convene a meeting of available Executive Team members within 24 hours of being contacted regarding the allegations. If the accused is a member of the Executive Team, or a pastor, that individual will not be notified of the meeting. The purpose of this meeting should be to:

- Address any immediate concerns for the safety of the children or youth in question.
- Assess the circumstances of the accusation being made to determine if there is a legal or moral responsibility to contact professional agencies or governmental authorities.
- Determine who should notify the parents of the victim (unless the parents are the accused).
- Issue a written report outlining:
 - Date, time, location, specifics of the allegation, name of victim(s), name of accused, and name of person filing report
 - The action directed by the Executive Committee
 - Recommendations made or assistance given to the parties involved to pursue legal advice or contact professional agencies or authorities.

Statements made and action directed by the Executive Committee, with regard to a reported incident of abuse, will be made on behalf of the Church congregation until such time as the council is able to address the issue, if and when that becomes appropriate. A determination about the ongoing need for confidentiality should be determined based on the incident and the need to respect all persons involved. If the Executive Committee determines that the parents of the victim should be notified, that notification should occur within 24 hours of the initial meeting. All notification periods set forth in this policy assume a good faith effort to inform everyone in a timely manner, but limited circumstances may mean notification takes longer in some situations.

Contacts Beyond the Congregation

Following a report of suspected abuse, the Executive Committee should consider whether it is appropriate for the Church to contact the offices and professional agencies listed below.

- The Bishop (ELCA, Northwest Washington Synod) must be contacted for all allegations involving rostered members
- Consultation to Clergy (an extended ministry of the ELCA)
- Children's Protective Services
- The local police department
- The Church's attorney or 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. The Executive Committee should also designate a spokesperson to speak 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.

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. 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 vulnerable persons and their families or caretakers, an individual accused of abuse must immediately be relieved of all duties related to working these ministries until the Executive Committee 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.

On occasion, an incident of abuse could be revealed during confession. We respect the trust of a person making a confession of sins, but the confidentiality of that confession can only be honored when the confession is stated as a confession of sins and the person receiving the confession is an ordained or licensed pastor. The pastor must maintain the dual responsibility of respecting the privacy of confession while also seeking to prevent harm. It is appropriate to ask the abuser if he/she wants to stop the behavior and will accept help, which would include reporting the offense. The determination of whether an individual has confessed is to be made in the sole and absolute discretion of the pastor receiving the confession.

Section 6. Executive Committee and Spokesperson Duties

Responsibilities of the Executive Committee

The Executive Committee should have responsibility to receive reports or allegations of abuse, neglect or inappropriate conduct against children, youth or vulnerable adults, either during the course of a Church sponsored activity or on Church property, and coordinate and conduct a rapid response on behalf of the Church. The aforementioned committees are under the authority of the Council in all circumstances, and for all actions they may take.

Spokesperson Duties

All media requests for information or comment shall be referred to the Pastor or his/her designee.

Section 7. Applicable state law

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

Summary of Seat Belt Law and Child Restraint Laws:

The **Seat Belt Law** generally requires:

All vehicle occupants be *properly* restrained in all seating positions, and the driver is responsible for ensuring that all children under the age of 16 are properly secured.

(Buckling one seat belt around two people or placing the seat belt under the arm or behind the back is dangerous, can cause death or serious injury, and is a violation of the law.)

See RCW 46.61.688 for a full description of this law.

The **Child Restraint Law** generally requires:

Vehicle drivers shall keep all children less than sixteen years of age properly restrained.

A child must be restrained in a child restraint system 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.

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. 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 when it is practical.

See RCW 46.61.687 for a full description of this law.

The **Wireless Communication Device while Driving Law** generally requires:

While operating a moving motor vehicle, a wireless communications device is not held to his or her ear unless reporting illegal activity, summoning medical or emergency help, preventing injury to a person or property or relaying information that is time sensitive.

The use of a wireless communications device in hands-free mode is acceptable.

See RCW 46.61.667 for a full description of this law.

The **Text Messaging while Driving Law** generally requires:

While operating a moving motor vehicle, a wireless communications device is not to be used to send, read or write a text message unless reporting illegal activity, summoning medical or emergency help, preventing injury to a person or property or relaying information that is time sensitive.

The use of a wireless communications device in hands-free mode is acceptable.

See RCW 46.61.668 for a full description of this law.

Applicable State Law concerning incidents of suspected child abuse

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.

Applicable portion of 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 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 48 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](#).

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 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, childcare 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 that 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.