

HOW TO FILE A COMPLAINT AGAINST CHILD PROTECTIVE SERVICES (CPS) BECAUSE OF DISABILITY-BASED DISCRIMINATION

This publication describes ways a person may file a disability discrimination complaint against Child Protective Services (CPS).

What is CPS?

CPS is part of the Children's Administration of the Washington State Department of Social and Health Services (DSHS). CPS receives and investigates reports of possible child abuse and neglect. CPS' job is to determine if there is child abuse or neglect as defined by law. If CPS determines that a child is at risk of serious harm, CPS may seek an out-of-home placement for the child.

What is Discrimination? Federal and state laws prohibit state agencies like CPS from discriminating against children and parents based on their disabilities. No parent may be found abusive or neglectful solely by reason of the parent's or child's disabilities. CPS cannot deny people with disabilities the opportunity to participate in CPS programs, services, or activities. CPS must make reasonable modifications to its programs to ensure equally effective participation unless making modifications would fundamentally alter the nature of the program.

Ways to Report Discrimination by CPS Against a Parent or Child

1. [Complain Within the Children's Administration](#)
2. [File a complaint with the Washington State Office of the Family and Children's Ombuds \(OFCO\)](#)
3. [File a complaint with the U.S. Department of Health and Human Services Office for Civil Rights \(HHS OCR\)](#)

1. Complain Within the Children's Administration

If a person feels that a CPS social worker has discriminated against a parent or a child, the person can speak to the social worker. If speaking to the social worker does not resolve the problem, a person can contact the social worker's supervisor. If the supervisor does not help, a person can contact the Area Administrator.

CPS also has a formal complaint process that begins with filing a complaint with the local unit supervisor before involving the Area Administrator. If the Area Administrator does not resolve the issue, a person can contact the Regional Administrator. For information about resolving problems and the formal complaint process, a person can call the Children's Administration Office of Constituent Relations at 1(800) 723-4831. [Contact information for local Children's Administration offices](#) is available online.

2. File a complaint with the Washington State Office of the Family and Children's Ombuds (OFCO)

OFCO investigates complaints alleging that a Washington State agency has acted wrongly or failed to act in cases that involve any child at risk of abuse or neglect or where a child or family is involved with CPS. [OFCO complaint forms are available online](#). If a person believes that a Washington State agency has placed a child or parent at risk of imminent harm, a person can contact OFCO and ask for immediate help.

[Office of the Family and Children's Ombuds](#)

Phone: (206) 439-3870

Toll Free: (800) 571-7321

TTY: (206) 439-3789

Once an investigation of a complaint is complete, OFCO will take further action if:

- The alleged act or failure to act is confirmed, and
- The act or failure to act violated law, policy, or procedure or was "clearly unreasonable"; and

- The act or failure to act was harmful to a child's safety, health, well-being, or right to a permanent family or it was harmful to appropriate family preservation, contact, or reunification.

If OFCO is unable to help, it will provide a referral to another agency that may be able to help.

3. File a complaint with the U.S. Department of Health and Human Services Office for Civil Rights (HHS OCR)

HHS OCR investigates complaints and enforces federal laws and regulations that prohibit discrimination based on disability in programs and activities that receive financial assistance from HHS.

An [online complaint portal and complaint forms are available from OCR](#). Once completed, the complaint form can be printed out and mailed to the OCR Centralized Case Management Operations in Washington, D.C.:

Centralized Case Management Operations

U.S. Department of Health and Human Services

200 Independence Ave SW

Room 509F HHH Bldg

Washington, D.C. 20201

Complaints may also be sent by email to OCRComplaint@hhs.gov. If a person needs help filing a complaint or has questions about the complaint form, the person can call OCR toll-free at: 1(800) 368-1019, TDD: 1(800) 537-7697.

A person does not have to use the complaint form to file a complaint. A written complaint can be in any format as long as it contains the following information:

1. The name of the person making the complaint (the complainant);
2. Complainant's full address;
3. Complainant's telephone numbers (include area codes);
4. Complainant's e-mail address;
5. Name, full address and phone number of the person, agency, or organization against which the complaint is being made;
6. Brief description of what happened: how, why, and when the complainant's civil rights were violated;
7. Any other relevant information; and
8. The complainant's signature and date of complaint.

Complaints must be filed within 180 days from the date of the alleged discriminatory act. HHS OCR may extend the 180-day period upon a showing of good cause.

Other organizations that offer assistance or information for parents and children with disabilities include:

[Bazelon Center for Mental Health Law](#)

1101 15th St, NW, Ste 1212

Washington, DC 20005

Phone: (202) 467-5730

TDD: (202) 467-4232

[Through the Looking Glass](#)

3075 Adeline St, Ste 120

Berkeley, CA 94703

Phone: (800) 644-2666

TDD: (510) 848-1005

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Always advocate in a timely manner. Please be aware that there are certain time limits or deadlines to file a complaint, a lawsuit, or take legal action.

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Disability Rights Washington

315 5th Ave S, Ste 850

Seattle, WA 98104

Voice: (206) 324-1521 or (800) 562-2702

Fax: (206) 957-0729

Email: info@dr-wa.org

Website: www.disabilityrightswa.org

Interpreters available.

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