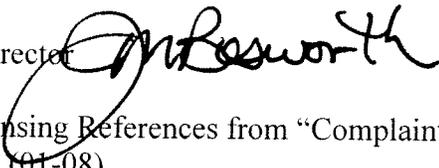




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January 10, 2008

**TO:** DEL All Staff

**FROM:** Jone M. Bosworth, JD, Director 

**SUBJECT:** Changing Child Care Licensing References from “Complaint Investigation” to “Complaint Inspection” (01-08)

The Department of Early Learning (DEL) has received questions about our legal authority to “investigate” complaints about a licensed child care center or home. Several resources DEL licensing staff may use – including the Department of Social and Health Services (DSHS) manual, *How to Conduct a Complaint Investigation*, and DEL’s online *Methods and Practices* (MAP) guide – refer or may refer to conducting “investigations” of child care complaints.

This memorandum is to clarify that all DEL staff should refer to complaint *inspections* rather than *investigations* in both written and verbal communications.

Chapter 43.215 RCW contains just one reference describing the DEL’s authority to “investigate.” RCW 43.215.200(3) says the Director shall, “investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care.” Otherwise, the term “investigate” appears in chapter 43.215 RCW only when referring to the authority of the State Fire Marshal and DSHS Child Protective Services. The authority to investigate complaints of child abuse and neglect, overpayments, and fraud rests with DSHS (chapters 74.13, 74.15, and 43.20A RCW) or with law enforcement agencies.

However, when a complaint is received, DEL licensors have the legal authority to *inspect* a licensed provider, review the provider’s records to ensure the health and safety of children, to determine compliance with DEL child care licensing rules (RCW 43.215.200(6) and 43.215.240). A licensor may determine, with or without conducting an inspection, that the complaint should be referred to DSHS, law enforcement or another agency with the authority to conduct an investigation appropriate to the complaint. DEL licensing staff will continue to follow existing procedures when following up on a child care complaint, but all DEL staff must use terminology that more clearly reflects the Department’s legal authorities.



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As of today, January 10, 2008, I am specifically directing all DEL child care licensing staff to follow these procedures:

1. When contacting a licensed child care home or center provider about whom a complaint has been received, inform the licensee that the DEL staff person is conducting a “complaint inspection” to inquire about the circumstances involved in the complaint and to determine:
  - a. Whether the center or home is in compliance with DEL licensing rules; and
  - b. Whether referring the complaint to DSHS or another agency for possible further action is appropriate.
2. Refer to any visit to or contact with a licensed child care center or home provider to follow up on a complaint as a “complaint inspection” in any document, form or correspondence;
3. Refer to a “complaint investigation” only when referring the complaint to or requesting the investigation assistance of DSHS Division of Licensed Resources/Child Protective Services, DSHS Office of Financial Recovery, DSHS Fraud Investigations, law enforcement or other appropriate agency; and

I am also directing the DEL Quality Division-Policy Unit to review all child care licensing rules, policies, manuals, forms and other documents that refer to complaint “investigation,” and to revise those materials consistent with this memorandum. This Quality Division-Policy Unit work shall be completed by February 29, 2008 and all revisions will be released to department staff by close of business that day.

Should you have any questions about the content of this memorandum, please direct them to DEL Quality Division Licensing Program Administrator, [Lisa.LaRue@del.wa.gov](mailto:Lisa.LaRue@del.wa.gov).

Thank you for your immediate attention and adherence to this memorandum.