

## **Frequently Asked Questions: Mandatory Reporting of Child Abuse in Oregon**

Effective January 1, 2013, the state legislature revised Oregon's Mandatory Child Abuse Reporting law, expanding the definition of who is a "mandatory reporter" of child abuse to include any "employee of a public or private organization providing child-related services or activities." Because Metro provides child-related services and activities, the Office of Metro Attorney advises that all Metro employees should now consider themselves mandatory child abuse reporters, even if they do not work in an area that directly involves interacting with children.

### ***Frequently Asked Questions (FAQ)***

#### **1. What law applies?**

The applicable law is ORS 419B.005 to 419B.045, as amended by House Bill 4016 in 2012.

#### **2. As a mandatory child abuse reporter, when am I required to make a report?**

It is important to understand that the child abuse reporting obligation is a personal obligation, and goes beyond the workplace. As a mandatory reporter, you must immediately make a report any time you have reasonable cause to suspect child abuse, regardless of whether you learn of the abuse during work hours or off the job. Child abuse reporting is a 24-hour-a-day, 7-day-a-week responsibility.

#### **3. How do I make a report?**

The process to make a report is outlined in ORS 419B.015: "A person making a report of child abuse shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department, or to a law enforcement agency within the county where the person making the report is at the time of the contact."

Call 911 for emergency situations. For non-emergency situations, contact:

- Oregon Child Abuse Hotline: 1-855-503-SAFE (7233)
- Law enforcement agencies:
  - Portland Police Bureau: 503-823-3333
  - Multnomah County Sheriff: 503-988-4300
  - Clackamas County Sheriff: 503-655-8211
  - Oregon State Police – Portland Area Command: 503-731-3020

#### **4. What is child abuse?**

Child abuse is physical or mental injury to a child that is not accidental and that endangers the welfare and safety of a child. A child is defined as an unmarried person under 18 years of age.

Examples of abuse include:

- Assault and any physical injury to a child that has been caused by other than accidental means. This includes an injury that appears in conflict with the explanation given for the injury.
- A mental injury that includes observable and substantial impairment to the child's mental or psychological ability to function caused by cruelty to the child, with a due regard to the culture of the child.
- Rape or sexual abuse.
- Sexual exploitation of a child, including contributing to the sexual delinquency of a minor and allowing, encouraging or hiring a child to engage in prostitution.
- Negligent treatment or maltreatment of a child, including failure to provide adequate food, clothing, and shelter or medical care that is likely to endanger the child's health or welfare.
- Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
- Permitting a person under 18 to remain on premises where methamphetamines are being manufactured.
- Unlawful exposure to a controlled substance that subjects a child to a substantial risk of harm to health or safety.

Some possible indicators of child abuse include: physical injuries such as bruises, burns or cuts that are not accidental; visible neglect including malnutrition and rotten teeth; unexplained or lengthy absences from school; or leaving a child under the age of 10 alone at home unattended.

If you have questions about whether or not to report, call the local Department of Human Services office. Staff can tell you if the situation should be reported.

#### **5. Is spanking child abuse?**

Spanking is generally not abuse. However, a spanking that leaves marks or bruises on a child might be abuse. Oregon law recognizes a child's right to be free from physical abuse but also recognizes the right of parents to discipline a child. Therefore, reasonable discipline does not constitute child abuse unless it results in the type of harm described above.

#### **6. What is reasonable suspicion?**

Under Oregon law, reasonable suspicion means "reasonable belief given all the circumstances, based upon specific and describable facts, that the suspicious physical injury may be the result of abuse."

#### **7. How should I respond to a child who reports abuse to me?**

Tell the child that you believe them and that you are going to contact people who can help. You need only suspect abuse to make a report, so don't press the child for details. The child will need to tell his/her story in detail later.

**8. What information should I report?**

If possible, report:

- The name and address of the child
- The name and address of the child's parents
- The child's age
- The type and extent of the abuse, including any previous evidence of abuse
- The explanation given for the abuse
- Any other information that will help establish the cause of the abuse or identify the abuser

**9. Should I make a report to my supervisor?**

Yes, if you learn of the abuse in connection with your job at Metro. Under Oregon law, telling a supervisor or employer does not fulfill your legal obligation. You are required to make an oral report to a local office of DHS, or to a law enforcement agency. However, in addition to your legal obligation as a mandatory reporter, if you observe child abuse on Metro premises or through the course of your duties at Metro, you must inform your supervisor or any manager as soon as possible so that Metro can take any additional steps necessary to protect the child. For incidents unrelated to Metro, you are not required to inform your supervisor after making a mandatory report to DHS or to a law enforcement agency.

**10. Will my report be confidential?**

The reporter's identity will remain confidential to the full extent allowable by law. However, if court action is initiated, you may be called as a witness or the court may order that your name be disclosed.

**11. Can I be sued if I report?**

No. Oregon law provides that anyone who makes a good faith report of child abuse and who has reasonable grounds to make the report shall have immunity from civil or criminal liability. The reporter shall have the same immunity if they participate in any judicial proceeding resulting from the report. This means that if you reasonably suspect child abuse, even if you are mistaken, you are immune from civil and criminal liability.

**12. What if I fail to report child abuse?**

Failure to report is a Class A violation of the law and carries a maximum penalty of \$2,000.

**13. What happens after I report?**

Child Protective Services (CPS) follows a process that includes six possible decision points for every child abuse report. For each call CPS receives, the process begins with screening. If the information

indicates possible abuse, a caseworker assesses the family situation by getting more in-depth information and determines whether abuse occurred and whether a child is at risk of further harm.

**14. As a mandatory child abuse reporter in Oregon, am I obligated to report child abuse occurring in another state?**

The Oregon law is not clear with respect to incidents of child abuse occurring outside Oregon or involving abusers and victims who are not in Oregon. However, the law of the other state may also make you a mandatory reporter. When you witness an incident of child abuse, contact the local child welfare office or local police and let them do their job of investigating and protecting the child involved.

**ADDITIONAL INFORMATION:**

For more information about child abuse and neglect, visit the Oregon Department of Human Services webpage at:

<http://www.oregon.gov/DHS/abuse/pages/main.aspx>

For more information and to view DHS's video about being a mandatory reporter, go to:

[http://www.oregon.gov/dhs/abuse/pages/mandatory\\_report.aspx](http://www.oregon.gov/dhs/abuse/pages/mandatory_report.aspx)

*last updated 1/21/14*