

MANDATORY REPORTING OF CHILD ABUSE

FREQUENTLY ASKED QUESTIONS

Effective January 1, 2013, employees of Oregon higher education institutions are considered by law to be subject mandatory reporters of child abuse (Oregon Child Abuse Reporting Statutes, ORS 419B.005 – 419B.017). The following questions and answers are provided to assist you in understanding your obligations as a mandatory reporter.

1. Who is a mandatory reporter?

All “public and private officials” as defined by state statute, including:

- School Employees (**Effective January 1, 2013, employees of Oregon higher education institutions are explicitly included in the law as mandatory reporters.**)
- Certain State Agency/Commission Employees
- Legislators
- Peace Officers
- Firefighters and Emergency Medical Personnel
- Members of the Clergy
- Child-Care Providers
- Doctors/Nurses/Dentists/Chiropractors/Optometrists
- Psychologists/Professional Counselors/Therapists
- Social Workers
- Foster Care Providers
- Attorneys
- Coaches

**Psychiatrist, psychologist, clergyman, or attorney shall not be required to report information communicated to him or her by a person if the communication is privileged under ORS 40.225 to 40.295.*

2. Who is considered a higher education employee under the statute?

Higher education employees include all Oregon Tech faculty and staff, student workers, graduate assistants, and temporary employees.

3. Who is not a mandatory reporter?

Volunteers, contractors, interns or students who are not employees are not mandatory reporters unless their profession is otherwise noted in the list in question. However, it is the University's expectation that volunteers, contractors, students and interns will report issues of suspected child abuse to their supervisors.

4. Is there a "research exemption" under this law?

No, there is no research exemption even if the employee learns of suspected child abuse through research meant to help children (for example, in sex trafficking, parenting and drug-related research). However, the legal responsibility to report is triggered only when you have reasonable cause to believe that any child with whom you come into contact has suffered abuse or that any person with whom you come into contact has abused a child.

Please contact the Director of Human Resources about notification of reporting requirements you will need to give your research subjects.

5. Who is a "child" under the law? Are Oregon Tech students included in the definition of a "child" for the purpose of complying with mandatory reporting requirements?

A "child" is any "unmarried person who is under 18 years of age." Some students qualify under this definition and are covered by the mandatory reporting law. In addition, youth participating in academic and athletic camps or high school students attended Advanced Placement courses on campus are covered.

6. What is "abuse" under the mandatory reporting law?

As defined by ORS 419B.005, abuse includes, but is not limited to:

- Any assault of a child and any physical injury to a child caused by other than accidental means;
- Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child;

- Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest;
- Sexual abuse;
- Sexual exploitation, including:
 - Contribution to the sexual delinquency of a minor;
 - Allowing, permitting, encouraging or hiring a child to engage in prostitution or patronize a prostitute;
- Negligent treatment or maltreatment of a child;
- Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare;
- Buying or selling a child;
- Allowing a child on the premises where methamphetamine is being manufactured; and
- Unlawful exposure to a controlled substance that subjects a child to risk of harm.

7. Who do I contact if I suspect or learn of child abuse?

You must immediately report to the State of Oregon Department of Human Services (DHS) or a local law enforcement agency if you have “reasonable cause to believe” that any child with whom you come into contact has suffered abuse or that any person with whom you come into contact has abused a child. A law enforcement agency is a local police department, county sheriff, county juvenile department, or the Oregon State Police. For instances that related to Oregon Tech-authorized activities, employees are expected to make the report immediately to the local DHS office or local law enforcement. You may also contact the Oregon Tech Human Resources Director (541-885-1108 or 541-331-1855) for assistance.

The law requires an “oral” report, so reports are typically made by phone. You may be asked for additional written information from the agency you contact.

Most DHS offices throughout the state are open from 8 a.m. to 5 p.m., Monday through Friday. The Klamath County DHS number is 541-883-5570. After hours or emergency reports should be made to local law enforcement through 911.

You do not need to report to both DHS and local law enforcement. A report to one agency will be communicated to the other.

8. What information do I need to report?

If possible, provide the following information:

- Names and addresses of the child and parent
- Child's age
- Type and extent of abuse
- The explanation given for the abuse
- Any other information that will help to establish the cause of abuse or identify the abuser.

9. Do I have to prove that abuse occurred?

No. *A report is not an already established fact, but rather information which triggers an official assessment into the safety and condition of a child.* By reporting, you are informing DHS or law enforcement of a situation that requires them to assess the incident. If you have questions about whether or not to report, please call the local DHS office.

10. As a mandatory reporter, do my reporting obligations under the law end when I am not working or I am not "on the job?"

No, they do not. Your obligations as a mandatory reporter are specific to you as an individual and are not limited to a time period, location or your role at Oregon Tech. By law, mandatory reporters must report suspected abuse or neglect of a child regardless of whether or not the knowledge of the abuse was gained in the reporter's official capacity. In other words, the mandatory reporting of abuse or neglect of children is a 24-hour-a-day obligation.

11. What if I learn of abuse from a long time ago?

If you reasonably believe that another person with whom you come in contact abused a child or suffered child abuse in the past, your reporting obligation has no time limit and you must contact DHS or law enforcement.

Your reporting obligation regarding abuse inflicted on a person is only triggered when the person whom you think may have been abused is still a child (as defined above) at the time

you have the reasonable suspicion of abuse. You are still encouraged, however, to provide information to DHS or law enforcement so as to avoid potential future harm by the accused against children currently covered by the law.

12. How do 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. Respect the privacy of the child. The child will need to tell their story in detail later, so don't press the child for details. Remember, you need only suspect abuse to make a report. Don't display horror; shock; or disapproval of parents, the child or the situation. Don't place blame or make judgments about the parent or child. Believe the child if she or he reports sexual abuse. It is rare for a child to lie about sexual abuse.

13. Will my report be confidential?

The reporter's identity will remain confidential to the full extent allowable by laws. If court action is initiated, the reporting person may be called as a witness or the court may order that the reporter's name be disclosed. Only people with firsthand knowledge of the child's situation can provide testimony proving that abuse has occurred.

14. Can I be sued if I report?

Oregon law (ORS 419.025) provides that anyone participating in good faith in making a report of child abuse and who has reasonable grounds for making the report will have immunity from any liability, civil or criminal, that might occur with respect to the making or content of such report.

15. What if I don't report?

A mandatory reporter who fails to report is subject to prosecution of a Class A violation of the law, which can result in the imposition of a substantial fine.

Some mandatory reporters have also been sued for damages in civil court for failure to report.

16. Who do I contact for more information on child abuse and neglect?

If you need more information on child abuse and neglect, contact the local Services to Children and Families branch office of the Department of Human Services at 541-883-5570.

You may also contact the Klamath-Lake CARES office at 541-883-6289.

Valuable Links:

Oregon Department of Human Services:

<http://www.oregon.gov/DHS/children/pages/index.aspx>

http://www.oregon.gov/dhs/children/pages/abuse/abuse_neglect.aspx

Klamath-Lake Child Abuse Response and Evaluation Services (CARES):

<http://www.klamathlakecares.org>

“What You Can Do About Child Abuse” (DHS publication)

<https://apps.state.or.us/Forms/Served/de9061.pdf>