



Mandatory Reporting Child and Elder Abuse

POLICY NUMBER: 15-19.9	EFFECTIVE DATE: 9-1-15
REVISION DATE: 4/2019	REVISION NUMBER: 1
CITY MANAGER APPROVAL:	DATE: 4/2019

PURPOSE

ORS 419B.010 states, “Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015.” This language establishes that anyone who qualifies as a “public or private official” is a mandatory reporter under Oregon law.

Oregon House Bill 4016, amends the state’s mandatory child abuse reporting requirements and expands the definition of the term “private or public official” to make more individuals qualify as mandatory child abuse reporters (“mandatory reporters”) under Oregon law. If the city provides “child-related services or activities”, all city employees of the “organization” providing such services or activities are now mandatory reporters.

The City of Newport takes this responsibility very seriously and complies with obligations under the Oregon Reporting of Child Abuse (ORS 419B) and Elderly Persons and Persons with Disabilities Reporting Acts (ORS 124). All City of Newport employees are mandatory reporters under these laws.

SUMMARY OF THE LAW

The duty to report under the law is applicable to the public or private official alone, regardless of whether the official is an employee or a representative or agent for any type of entity or organization.

The duty to report under the law exists regardless of whether the entity or organization that employs the public or private official has its own procedures or policies for reporting abuse internally.

According to Oregon Revised Statute 419B.010, "Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made."

The Older Americans Act of 1965 states as one of its ten objectives that “Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the

individual in our democratic society, the older people of our Nation are entitled to protection against abuse, neglect, and exploitation.” (Title I, Section 101, objective 10).

Mandatory reporters, while acting in an official capacity, that come in contact with an elderly or developmentally disabled adult they suspect has been abused or neglected, must report to DHS or law enforcement.

POLICY

Reporting Abuse

Child Abuse

A child is any unmarried person under 18 years of age.

It is important to understand that the child abuse reporting obligation is a personal obligation that goes beyond the workplace. This means that you are a mandatory child abuse reporter 24/7. You are required to report suspected child abuse anytime, anywhere. In other words, whether you learn of suspected abuse or a suspected abuser while at work, while coaching your child’s soccer team, or when shopping for groceries on the weekend, your reporting obligation is the same.

If a child is in immediate danger of harm, call 911.

You must immediately report to the Department of Human Services (DHS) or law enforcement (*Any city or municipal police department, any county sheriff’s office, The Oregon State Police*) 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.

Reports should be made orally in the county where the reporter is located at the time of the suspicious contact. A report to law enforcement will also meet the reporting obligation. Law enforcement and DHS work together, so you may report to either.

DHS or law enforcement will keep your identity confidential unless ordered by a court to disclose the information. (ORS 419B.015)

You need only provide information you have available. You should not investigate to obtain missing information. If known, helpful information to provide includes:

- name and age of the child
- nature and extent of abuse, including evidence of previous abuse
- explanation given for the abuse
- names and addresses of the child’s parents or others responsible for the child’s care.
- other helpful information to establish the cause of the abuse or the identity of the perpetrator

Report suspected abuse of anyone who is a child at the time of the report.

If you reasonably believe that a person with whom you have come into contact abused a child in the past, you should still report if you believe there is a danger of future harm against another child.

You must report any time you have "reasonable cause" to believe a child was abused. You don't have to be sure, or have proof. Your report will allow a trained professional to make an assessment. If you have questions about whether to report, please contact your local DHS office; they will assist you in making that determination.

Report child abuse to a local office of the Department of Human Services (DHS) (Lincoln County DHS -1-800-303-4643) or a local police department (Newport Police Dispatch - 541-265-4231), county sheriff, county juvenile department, or Oregon State Police.

You may also call 1-855-503-SAFE (7233). This toll-free number allows you to report abuse or neglect of any child or adult to the Oregon Department of Human Services.

Elder Abuse

If you suspect abuse, neglect, or financial exploitation of an elderly person or an adult with physical disabilities, report abuse or neglect to the Department of Human Services office in your area.

If you suspect abuse, neglect, or financial exploitation of an adult with developmental disabilities report abuse or neglect to your county developmental disability program.

If you suspect abuse, neglect, or financial exploitation of an adult with mental illness report abuse to your county mental health program.

You may also call 1-855-503-SAFE (7233). This toll-free number allows you to report abuse or neglect of any child or adult to the Oregon Department of Human Services.

Definition of Abuse

Definition of Child Abuse

Below is a summary of what is generally considered abuse. The complete legal definition (ORS 491B.005) may be viewed online.

- **Physical injury**, caused by other than accidental means, including an injury that appears to be at variance with the explanation given for the injury.
- **Mental injury**, which includes only observable and substantial mental impairment caused by cruelty, with due regard to the culture of the child.
- **Sexual abuse**, including rape, sodomy, unlawful sexual penetration, or incest.
- **Exploitation**, including prostitution, the sexual delinquency of a minor, or any conduct that allows or encourages a child to perform sexual acts for observation, photographing, filming, etc.
- **Neglect**, including failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the child's health or welfare.
- **Threatened harm**, meaning subjecting a child to a substantial risk of harm to the child's health or safety, including exposing a child to the manufacture of methamphetamines, or to any controlled substance that subjects a child to a substantial risk of harm.
- **Buying or selling a person under 18 years of age.**

"Abuse" does not include reasonable discipline, unless the discipline results in one of the conditions described above.

Definition of Elder and Vulnerable Adult Abuse

Adult abuse is the abuse of any adult aged 65 and over and adults under the age of 65 with developmental or physical disabilities, or mental illness. Abuse can happen anywhere and is not limited to a person's own home or the home of family or friends. It can also occur in a professional care setting such as a nursing facility, a residential care facility, an assisted living facility, an adult foster home, a retirement home, or a room-and-board home.

Types of abuse can include:

- Physical harm or injury
- Failure to provide basic care
- Abandonment by the caregiver
- Verbal/emotional abuse
- Financial exploitation
- Unwanted sexual contact
- Involuntary seclusion
- Wrongful restraint
- Self-neglect

Acknowledgement

Employees must sign an acknowledgement of their mandated reporter obligations. The acknowledgement will be kept in the employee's personnel file.

Disciplinary Action

Failure to make a mandatory report under this Policy may result in disciplinary action, up to and including, termination of employment.