

MANDATORY REPORTING OF CHILD ABUSE

**** NOW APPLIES TO ALL CITY OF PORTLAND EMPLOYEES ****

During the 2012 legislative session, the Oregon legislature passed legislation adding employees of public organizations providing child-related services or activities to the list of mandatory reporters who must make reports if they have reasonable cause to suspect child abuse or neglect. Because the City of Portland provides child related activities and services, **all** City employees are mandatory reporters, effective January 1, 2013. This means you must make a report to the appropriate law enforcement or state agency if you have reasonable cause to suspect child abuse or neglect.

The law that applies: Oregon Revised Statutes (ORS) 419B.005 to 419B.045.

1. What is child abuse?

Abuse is physical or mental injury to a child that is not accidental that endangers the welfare and safety of a child (an unmarried person under 18 years of age).

Examples of abuse include:

- Assault and any physical injury to a child which has been caused by other than accidental means. This includes an injury which appears at variance with the explanation given for the injury.
- A mental injury which includes only observable and substantial impairment to 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 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 upon the premises where methamphetamines are being manufactured.
- Unlawful exposure to a controlled substance that subjects a child to a substantial risk of harm to child's health or safety.

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 where the health or welfare of the child may be endangered.

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.

2. Is spanking child abuse?

Reasonable discipline does not constitute child abuse unless it results in the type of injury or treatment described in #1 above.

3. 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 a lot of details. Don't express shock, horror or disapproval of the parents, child or the situation. Don't place blame or make judgments about the parents or child.

4. Who do I contact if I suspect child abuse?

- Call 911 for emergency situations.
- A local child welfare office
 - Multnomah County 503-731-3100
 - Clackamas County 971-673-7112
 - Washington County 503-681-6917
- Oregon Department of Human Services – Childhelp 800-422-4453
- A law enforcement agency such as the local police department, county juvenile department, county sheriff or Oregon State Police.
 - Portland Police Bureau 503-823-3333
 - Multnomah County Sheriff 503-988-4300
 - Oregon State Police – Portland Area Command 503-731-3020
 - Clackamas County Sheriff 503-655-8211

5. What information do 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.

6. Does the duty to report include information I observe or learn of outside working hours?

Yes, child abuse reporting is a 24 hour-a-day, 7-day-a-week responsibility. You must report if the child abuse or neglect occurs either during or outside of your working hours or job responsibilities at the City.

7. Should I make a report to my supervisor?

Under Oregon law, telling a supervisor or employer does not fulfill your legal obligation. But, depending on the nature of your work and your bureau's

programs involving children, your bureau may have a policy that instructs you to inform your supervisor if you observe child abuse during your working hours.

8. Is my report 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.

9. Can I be sued if I report?

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.

10. What if I fail to report child abuse?

Failure to report is a Class A violation of the law. The maximum fine for a Class A violation is up to \$2,000. There may be other consequences separate from the child abuse law such as employment discipline if failure to report pertains to workplace or job-related duties.

11. 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.

FOR FURTHER INFORMATION:

Additional information, a short training video and access to resources are available on the City of Portland Bureau of Human Resources Training and Development website:

<http://www.portlandoregon.gov/bhr/article/431018>. The training video is also available as eLearning on [CityLearner](#).