

MANDATORY CHILD ABUSE REPORTING

The Oregon Legislature has enacted new legislation expanding Oregon's mandatory child abuse reporter law to include ALL employees of colleges and universities. This law took effect January 1, 2013, applies to ALL Southern Oregon University (SOU) employees, and is both a professional and personal obligation. With the recent implementation of this law, it is important that all SOU faculty and staff understand their obligations as mandatory reporters of child abuse. (HB 4016, ORS 419B.010)

SUMMARY OF LEGISLATIVE CHANGES

Certain SOU employees (child care workers, medical care providers) have always been considered "public and private officials" covered under Oregon's mandatory abuse reporting law. For those individuals, nothing has changed. What's new is that the law now defines ALL UNIVERSITY EMPLOYEES as "public and private officials" making them mandatory child abuse reporters as well. The law does not cover volunteers, contractors, or students who are not employees (unless they happen to work in a profession that is already included among the list of mandatory child abuse reporters).

CHILD ABUSE REPORTING OBLIGATION

You must immediately report to the Department of Human Services (DHS) or law enforcement 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 child is any unmarried person under 18 years of age.

24/7 PERSONAL OBLIGATION

It is important to understand that the child abuse reporting obligation is a personal obligation, regardless of whether the suspected abuse is related to the workplace. This means that you are a mandatory child abuse reporter 24 hours a day/7 days a week. 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. Because this is your personal obligation, you are the one responsible for reporting child abuse to DHS or law enforcement and it is not enough for you to only report the child abuse to your supervisor and/or the university.

However, please know that SOU also requires that you report the incident to your supervisor when you encounter suspected abuse or a suspected abuser while acting in your official capacity as an SOU employee. This is IN ADDITION to your obligation to report the child abuse to DHS or law enforcement.

HOW TO MAKE A REPORT

The report should be made orally in the county where the reporter is located at the time of the suspicious contact. You can reach Jackson County's abuse reporting line 24 hours a day by calling (541) 858-3197 locally, or (855) 503-SAFE (7233) toll free. DHS or law enforcement will keep your identity confidential unless ordered by a court to disclose the information. (ORS 419.015)

A link to reporting information for other Oregon counties can be found at:

<http://www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Pages/Reporting-Numbers.aspx>

WHAT THE REPORT SHOULD INCLUDE

If known, the report should include:

- 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.

CONSEQUENCE FOR FAILURE TO REPORT

A failure to report is a Class A criminal violation of the law and carries a maximum penalty of \$2,000. Some mandatory reporters have also been sued for damages in civil court for failure to report.

WHAT IS CONSIDERED ABUSE

Below is a summary of what is generally considered abuse. The complete legal definition (ORS 491B.005) can be found at: <http://www.oregonlaws.org/ors/419B.005>

- 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 of 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.

IMMUNITY FROM LIABILITY FOR MAKING A GOOD FAITH REPORT

Anyone participating in good faith in making a child abuse report has immunity from any criminal or civil liability. This immunity is also in place with respect to participation in any subsequent judicial proceeding. (ORS 419B.025)

LINKS TO OTHER RESOURCES

The Oregon Department of Human Services has a [Mandatory Reporter training video](#) available for view on its website. The video runs roughly 25 minutes, and provides valuable information to explain what it means to be a mandatory reporter. Links to other DHS materials include a FAQ page, ["Questions and Answers about Reporting Abuse and Neglect"](#), and a booklet entitled ["What You Can Do About Child Abuse."](#) We encourage you to visit the [DHS website](#) and review the additional support materials to gain confidence in your new role as a mandatory reporter.