

## **Mandatory Child Abuse Reporting and Community College Employees Frequently Asked Questions**

Beginning January 1, 2013, all Oregon community college employees are mandatory child abuse reporters and have a legal obligation to report suspected child abuse or abusers under Oregon law.

**If someone is being hurt or is in danger right now, call 911 immediately.**

### **Who is a mandatory reporter?**

All “public and private officials” as defined by state statute (ORS 419B.005) including:

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

### **Who is not a mandatory reporter?**

Volunteers, contractors or students who are not employees are not mandatory reporters unless they are a mandatory reporter based on one of the other categories listed above.

### **Who is a “child” under this law? Are community college students included in the definition of “child”?**

A “child” is any “unmarried person who is under 18 years of age.” Some community college students qualify under this definition and are covered by the mandatory reporting law.

### **What is “abuse” under the mandatory reporting law?**

- 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; and
- 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 subject a child to a substantial risk of harm to the child's health or welfare; and
- Buying or selling a child.

**Who do I contact if I suspect child abuse? Does notifying my supervisor or a college administrator satisfy my duty to report?**

You must immediately report to your local Oregon 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. 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 contacted. A law enforcement agency is a local police department, county sheriff, county juvenile department, or Oregon State Police. You do not need to report to both DHS and local law enforcement. A report to one agency will be communicated to the other.

Notifying your supervisor or a college administrator is not sufficient to satisfy your reporting duty. You must immediately report to DHS or law enforcement agency. College policy may require you to report to your supervisor, however, this does not substitute for your duty to report to DHS or law enforcement. Check with your HR office to see what your college policies and procedures require.

**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, child, or the situation. Don't place blame or make judgments about the parent or child. Believe the child if she/he reports sexual abuse. It is rare for a child to lie about sexual abuse.

**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; and
- Any other information that will help establish the cause of abuse or identify the abuser.

**Do I have to prove that abuse occurred?**

No. You are asking DHS or law enforcement to make an assessment of the situation, and you must report any time you have “reasonable cause” to believe a child was abused. If you have questions about whether or not to report, please call the local DHS office.

**Do I have to report if I suspect abuse outside of my normal work hours?**

Yes. The duty to report is a 24-hour-a-day, 7 day-a-week responsibility, no matter where you are. This means that if you encounter suspected child abuse or an abuser when you are not at work, you still have a duty to report immediately to DHS or law enforcement.

**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 in the past, your reporting obligation has no time limit and you are to 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” 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 other persons who are “children” under the law.

**Will my report be confidential?**

The reporter’s identity will remain confidential to the full extent allowable by law. 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.

**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.

**What if I don’t report?**

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