

Reporting of Suspected Abuse of a Child

Mandatory reporting by all staff: All Organization staff, inclusive of volunteers and board members, are mandatory reporters of abuse of a child under ORS Chapter 419B and federal law, and are subject to this policy and the accompanying administrative regulation. The reporting obligation under this policy and under ORS Chapter 419B requires any staff who has reasonable cause to believe any child with whom the staff has come in contact has suffered abuse, as defined in state law, by any adult or by a member with whom the staff is in contact has abused a child, to immediately report to the local law enforcement agency or the Oregon Department of Human Services. The staff member shall also immediately inform their Organizational Director or the CEO. The Director/CEO is required to report any notification by a staff member the Board if the report involves suspected abuse by any staff or volunteers.

Required at all times: The requirements of ORS Chapter 419B and this policy and administrative regulation are in effect for all staff 24 hours a day, 365 days a year, whether the staff is on or off duty. This abuse of a child reporting obligation applies to suspected abuse of all children, whether members of the Organization or not. It includes suspected abuse of all children within the state of Oregon or outside the state of Oregon. This policy applies regardless of when the suspected abuse occurred, so long as the subject of the abuse is or was a child. Staff are required to report suspected abuse of a child that happened many years ago, even if the victim is no longer a child.

Abuse of a child broadly defined: Term “child” means an unmarried person under the age of 18. The term “abuse of a child” under ORS Chapter 419B and this policy and administrative regulation is broadly defined to include:

1. Assault;
2. Mental injury;
3. Rape and sexual abuse;
4. Sexual exploitation;
5. Negligent treatment or maltreatment, including failure to provide adequate food, clothing, shelter or medical care for child;
6. Threatened harm caused by cruelty;
7. Buying or selling a child;
8. Permitting a child to enter or remain in a location where methamphetamines are being manufactured; or
9. Exposure of a child to controlled substances that create a risk of harm to the child.

If a staff member is suspected of abuse: All staff, whether on or off duty, are prohibited from engaging in any form of abuse of a child. Abuse of a child by staff members will not be tolerated. If a staff member suspects another staff member of abuse of a child, reporting requirements remain the same. The Organization will designate a member of the Board of Directors to receive reports of abuse of a child by staff and specify the procedures to be followed upon receipt of an abuse report. In the event the designated person is the suspected abuser the President of the Board or designee shall receive the report of abuse. The Organization will post on it’s website the name and contact information of the person designated to receive abuse of a child reports, as well as the procedures designated member of the Board will follow upon receipt of a report. The person who initiated the report must be notified when the Organization takes action on the report.

A substantiated report of abuse by a staff member shall be documented in the staff member's personnel file with the organization.

If a member is suspected of abuse: Abuse of a child by a member will not be tolerated. If a staff member suspects a member of abuse of a child, reporting requirements remain the same.

Immunity for good faith report: Any staff member who makes a good faith report, pursuant to this policy and Oregon law and who has reasonable grounds for the making thereof, has protections under the law from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of any such report. Further, the initiation of a report in good faith about suspected abuse of a child may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report.

If a member initiates a report of suspected abuse of a child by a staff member in good faith, the member will not be disciplined by the Board of Directors, CEO or Organizational Director. Intentionally making a false report, by a member or staff member, of abuse of a child is a class A violation. In addition, that staff member and/or member is subject to discipline for intentionally making a false report.

Consequences for failure to report: Any staff member who fails to report suspected abuse of a child as required under this policy and ORS Chapter 419B commits a violation punishable by law. In addition, that staff member is subject to discipline for failure to comply with this Board policy.

Confidentiality of abuse of a child reports: Reports of suspected abuse of a child under ORS Chapter 419B and this Board policy are confidential and may not be disclosed to others. A staff member who fails to keep this information confidential commits a violation punishable by the prescribed law. If a staff member fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, they will be disciplined.

Release of abuse of a child reports: Upon receipt of a lawfully issued subpoena, the Organization shall provide records of investigations of suspected abuse of a child to law enforcement or Oregon Department of Human Services.

END OF POLICY

ADMINISTRATIVE RULE:

Content of report: If known, such report shall contain the names and addresses of the child, the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, the explanation given for the suspected abuse, any other information which the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

A written record of the abuse report shall be made by the staff suspecting the abuse of a child. The written record shall include, at a minimum:

1. The name and position of the person making the report;
2. The name, address of the child, the parents or other person responsible for the child's care;
3. The name and position of any witness to the report;

4. A description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identify of the abuser;
5. A description of how the report was made (i.e., phone or other method);
6. The name of the agency and individual who took the report;
7. The date and time that the report was made; and
8. The names of persons who received a copy of the written report.

Action when a staff member is suspected: When the Organization receives a report of suspected abuse of a child by one of its staff members, and the Organization determines there is reasonable cause to support the report, the staff member will be placed on leave until the Oregon Department of Human Services or a law enforcement agency either: 1) determines that the report is unfounded or the report will not be pursued; or 2) determines that the report is founded and the Organization takes the appropriate disciplinary action. If the Department of Human Services or a law enforcement agency is unable to determine whether the abuse of a child occurred the Organization may either reinstate the staff member or take disciplinary action at the Organization's discretion.

The written record of each reported incident of abuse of a child, action taken by the Organization and any findings as a result of the report shall be maintained by the Organization.

Confidentiality of Abuse of a Child Reports:

The name, address and other identifying information about the staff member who made the report are confidential and are not accessible for public inspection. Reports of suspected abuse of a child under ORS Chapter 419B and said policy and this administrative rule are confidential and may not be disclosed to others. A staff member who fails to keep this information confidential commits a violation punishable by the prescribed law. If a staff member fails to maintain confidentiality of records as required by this administrative rule, they will be disciplined.

Staff Member's failure to comply: Any staff member who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A staff member who fails to comply with the confidentiality of records requirement commits a violation punishable by the prescribed law. If a staff member fails to report suspected abuse of a child as required by this policy, they will be disciplined.

Cooperation with investigator: Organizational staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials.

END OF ADMINISTRATIVE RULE

Legal Reference(s):

[ORS 418.746 to-418.751](#)

[ORS 419B.005 to-419B.05](#)