

New Mandatory Child Abuse Reporting Requirement for Community College Employees

Beginning on January 1, 2013, all Oregon community college employees will become mandatory child abuse reporters. This requirement passed by the Oregon Legislature as a part of HB 4016 (2012) adds community college and university employees to the list of public and private officials who are required to report suspected cases of child abuse under Oregon law. The duty to report suspected child abuse cases as a mandatory reporter is a 24-hour-a-day, 7 day-a-week responsibility. This legal duty is personal to the individual community college employee and applies whether or not they are on work time.

Community college employees must report when they hear, see, or learn information that any child with whom they come in contact has suffered abuse or that any person with whom they come in contact has abused a child. They must immediately report the suspected abuse or abuser to local law enforcement or the local Department of Human Services office.

The most important thing to remember is that you should report any reasonable suspicion of abuse; you do not have to prove it. If you are not sure if you should report, you should contact the DHS hotline to discuss your concerns with a staff person who is trained to evaluate incidents of abuse or neglect.

The numbers to call in Multnomah County to report suspected child abuse are:

- If the abuse or neglect is **IN PROGRESS – call 911**
- Multnomah County dedicated child abuse hotlines, available 7 days a week, 24 hours a day:
 - ✓ 503-731-3100 (local)
 - ✓ 800-509-5439 (toll free)

You may also find additional resources at the following links:

- Link to **DHS informational booklet**, “What You Can Do About Child Abuse,” (also available in Spanish, Russian, Chinese and Vietnamese) - <https://apps.state.or.us/Forms/Served/de9061.pdf>
- Link to **DHS training video** on reporting suspected child abuse and neglect - http://www.oregon.gov/DHS/abuse/mandatory_report.shtml
- Link to **DHS Frequently Asked Questions** about reporting suspected child abuse and neglect - <http://www.oregon.gov/DHS/children/Pages/abuse/cps/report.aspx>
- Link to **DHS definitions of child abuse and neglect** - http://www.oregon.gov/dhs/children/pages/abuse/abuse_neglect.aspx
- Link to **local DHS/law enforcement contact numbers** - http://cms.oregon.gov/dhs/children/pages/abuse/cps/cw_branches.aspx

Please see Frequently Asked Questions below for more information about this new duty as a mandatory reporter.

Please remember that it is not our job to investigate or confirm the abuse, but to report the clear, basic facts of what we know to local authorities who are trained to make that determination. It is important that when we know of or suspect abuse, that we report the information so that we can attempt to break the cycle of abuse and provide vulnerable populations the support they need.

Mandatory Child Abuse Reporting Frequently Asked Questions

Beginning January 1, 2013, all employees of Mt Hood Community College are considered 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?](#)
- [Who is not a mandatory reporter?](#)
- [Who is a “child” under this law? Are community college students included in the definition of “child”?](#)
- [Who do I contact if I suspect child abuse? Does notifying my supervisor or a college administrator satisfy my duty to report?](#)
- [What is “abuse” under the mandatory reporting law?](#)
- [How do I respond to a child who reports abuse to me?](#)
- [What information do I need to report?](#)
- [What happens after I report?](#)
- [When is a child taken into protective custody?](#)
- [Do I have to prove that abuse occurred?](#)
- [Will my report be confidential?](#)
- [Can I be sued if I report?](#)
- [What if I don’t report?](#)
- [Do I have to report if I suspect abuse outside of my normal work hours?](#)
- [What if I learn of abuse from a long time ago?](#)
- [If I know an adult is being abused and they have a child/children, do I have to report?](#)
- [Do I have to report if I know that someone who is over the age of 18 is sexually active with a minor?](#)
- [Am I a mandatory reporter when I am outside the state of Oregon?](#)
- [If I have a student in a Distance Learning class and they are from a different part of the state, outside the state of Oregon, or in another country, what do I do?](#)

Who is a mandatory reporter?

All “public and private officials” as defined by state statute (ORS 419B.005). This includes, but is not limited to:

- School Employees (Effective January 1, 2013, employees of Oregon community colleges and universities are included in the law as mandatory reporters.)
- Coaches
- Peace Officers
- Emergency Medical Personnel
- Child Care Providers

- Doctors/Nurses/Dentists/Pharmacists/Chiropractors
- Psychologists/Professional Counselors/Therapists
- Social Workers
- Child Care or Foster Care Providers

[Top](#)

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.

[Top](#)

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.

[Top](#)

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 hear, see, or learn information that causes you to suspect 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. While you are encouraged to notify your supervisor or college administrator of the reportable issues, notifying your supervisor does not satisfy your duty to report.

- If the abuse or neglect is **IN PROGRESS – call 911**
- Multnomah County dedicated child abuse hotlines, available 7 days a week, 24 hours a day:
 - ✓ 503-731-3100 (local)
 - ✓ 800-509-5439 (toll free)

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.

[Top](#)

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. This could include negligent child care. A child should not be left in a position of authority or alone in situations beyond his or her ability to handle, and situations should be considered on an individual basis. However, a child younger than 10 cannot be left unattended for a period of time that would likely endanger his or her welfare (ORS 163.545) ;
- 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.

Spanking as a disciplinary method is not abuse, although it is not recommended. However, spanking that leaves marks or bruises on a child might be abuse. Minor bruising on a teenager is a concern, but may not be abuse. You should call the DHS hotline if you encounter this situation and have concerns.

[Top](#)

How do I respond to a child who reports abuse to me?

Tell the child 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 adults, the child, or the situation. Don't place blame or make judgments about the adult or child.

You may also want to make a report to MHCC's Career Planning and Counseling Center (CPCC). It is not necessary to make a report to the CPCC unless the incident of abuse occurs on campus, but if you have concerns about a student's behavior escalating due to possible abuse, it is best to report it so that CPCC can be aware of potential issues.

[Top](#)

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.

It may not be possible to provide all of this information, for example if you are making a report outside your work environment. In those situations, you will most likely call 911 because it is an emergency situation, and law enforcement will handle the investigation details.

[Top](#)

What happens after I report?

CPS follows a process that includes six possible decision points for every child abuse report. For each call CPS receives, the process begins with screening. If the information indicates possible abuse,

a caseworker assesses the family situation by getting more in-depth information and determines whether abuse occurred and whether a child is at risk of further harm.

If a child has been abused or neglected, CPS and law enforcement staff decide, with family help if possible, whether the child can be safely left at home. Risk factors, strengths and needs of the child and family are assessed. A safety plan may be developed immediately. Later, the agency and family may develop a plan for service.

A case is closed when protective services are no longer needed to keep the child safe. Because the law requires that information about child abuse reports be kept confidential, you might not be told details of the abuse or the assessment. However, DHS will try to keep you informed to the extent allowed by law, including information about whether contact was made, whether the department determined that child abuse or neglect occurred, and whether services will be provided.

[Top](#)

When is a child taken into protective custody?

When a child is unsafe and in immediate danger of harm, DHS or law enforcement must work to develop a plan which will assure a child's safety. Many times a safety plan can be developed which will keep a child safe in his/her own home. When it is not possible a child may, according to statute, be taken into protective custody.

If a safe relative is available, DHS or law enforcement may place the child with them. If not, a child will be placed in shelter care. Families or special care facilities licensed by DHS usually provide shelter care. Parents are notified immediately if their child is placed in shelter care. A juvenile court hearing is held within 24 judicial hours to review the need for continued protection of the child while the assessment continues. Parents are provided the opportunity at the shelter hearing to explain why they believe their child can be returned home without danger of physical injury or emotional harm.

[Top](#)

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.

[Top](#)

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.

[Top](#)

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.

[Top](#)

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.

If you have any doubts or concerns about whether or not you should make a report, it is best to make a report. If you do not know the age of the student, or are not sure if they reside in the state of Oregon, be sure to share that information with the DHS representative or law enforcement official, and let them make the determination about whether or not they will open a case. By reporting the situation, you are alerting authorities to a possible abuse case, and may prevent others from becoming victims of abuse.

[Top](#)

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.

[Top](#)

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. Remember, when in doubt, it is best to make a report and let the CPS worker decide if DHS will investigate further.

[Top](#)

If I know an adult is being abused and they have a child/children, do I have to report?

DHS has the authority to intervene with families based on whether a child is being physically abused, sexually abused, neglected, suffering mental injury or is being subjected to an activity or condition likely to result in substantial harm. The presence of domestic violence is a risk for children. However, not all situations of domestic violence require a report to DHS or law enforcement. If you know a child is witnessing repeated or serious domestic violence and you are unsure of the impact on the child, call and consult a CPS screener.

[Top](#)

Do I have to report if I know that someone who is over the age of 18 is sexually active with a minor?

Oregon law does not make all sexual activity of a teen under the age of 18 illegal. The law includes defenses in some circumstances if the actor is less than three years older than the victim. Law enforcement and district attorneys will need to analyze each situation on a case-by-case basis. Remember that dating or evidence of sexual activity is not abuse in and of itself. You should consider the factors below to help you determine whether you should consult DHS about the situation in question.

For teens, evidence of sexual activity may be a potential indicator of sexual abuse. Consenting sexual relationships imply that both partners have the ability and capacity to make an informed choice without fear of harm or pressure. However, many teens do not have a clear understanding of the difference between consensual and abusive relationships. The following factors should be considered in determining whether a relationship may be abusive:

- Force is used
- Impaired mental and/or emotional capacity
- Drug or alcohol involvement
- Manipulation, intimidation, implied threats or other forms of coercion.
- Distinct power differential or a significant age difference

Sexual exploitation is using children in a sexually explicit way for personal gain; for example, to make money, to obtain food stamps or drugs, or to gain status. It also includes using children in prostitution and using children to create pornography.

[Top](#)

Am I a mandatory reporter when I am outside the state of Oregon?

While you are encouraged to report abuse whenever you become aware of it in order to protect our most vulnerable children and adults, Oregon law designating MHCC staff as mandatory reporters applies only while you are in the state of Oregon. If you are in another state and unsure of your responsibility, please check with that state's local law enforcement or child welfare office.

[Top](#)

If I have a student in a Distance Learning class and they are from a different part of the state, outside the state of Oregon, or in another country, what do I do?

When in doubt about whether you should report or not, it is best practice to contact the DHS hotline and report the situation. A trained CPS worker will be able to give you guidance on how to proceed further. If a child that you suspect is being abused does not live in Oregon, it is important to share that information with the CPS worker. They will be able to give you additional information, such as a number to call if the child lives out of state. They also have a listing of phone numbers for all of the DHS offices in the state of Oregon, and can assist with providing you this information should you need it.

[Top](#)

* Answers provided by Oregon Department of Human Services.