

Mandatory Child Abuse Reporting Requirements

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I. POLICY STATEMENT

Oregon law requires library employees who have reasonable cause to believe that a child with whom they come in contact with has suffered abuse, or that any person with whom library employees come in contact has abused a child, to immediately report or cause a report to be made to the State of Oregon Department of Human Services (DHS) or law enforcement.

Multnomah County Library (MCL) is committed to protecting the public and, as such, emphasizes public safety. All MCL staff are designated as mandatory reporters and have a legal duty to report any reasonable suspicion of child abuse occurring on the job and in their private lives. The responsibility to report is present twenty-four hours a day, seven days a week, and includes non-work hours.

It is the responsibility of staff to ascertain if there is a reason to suspect abuse. It is not the staff's responsibility to decipher whether or not actual abuse has occurred or to determine who perpetrated the abuse.

II. DEFINITIONS

A. **Abuse** - As defined in ORS 419B.005, abuse means:

- 1. **Physical injury** - Any assault of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

2. **Mental injury** - 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.
3. **Sexual abuse**
 - a. Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest.
 - b. Sexual exploitation, including but not limited to:
 - i. Contributing to the sexual delinquency of a minor and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, sexual abuse involving a child or rape of a child.
 - ii. Allowing, permitting, encouraging or hiring a child to engage in prostitution or to patronize a prostitute.
 - iii. Buying or selling a person under 18 years of age.
4. **Neglect or maltreatment** - Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.
5. **Threatened harm** - Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare. Examples include domestic violence, presence of a sex offender barred from being in the vicinity of children, drug use, DUI with child in the vehicle, and leaving a young child unattended in a vehicle.
6. **Controlled substances** - Unlawful exposure to a controlled substance that subjects a child to a substantial risk of harm to the child's health or safety. Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

7. **Discipline** - Abuse includes unreasonable discipline, but does not include reasonable discipline unless the discipline results in one of the conditions described above.
- B. **Child** - Means an unmarried person who is under 18 years of age.
- C. **Contact**: Being in the physical presence of a victim or an abuser, or indirect contact by email or phone. Contact does not occur if the mandatory reporter receives their information from a third party. The mandatory reporter requirement can be triggered if an employee has contact with the victim or an abuser before or after learning of abuse.
- D. **Mandatory Child Abuse Reporter**: A public or private official, as defined by ORS 419B.005(5), and includes employees of a public or private organization providing child-related services or activities.
 1. On-call employees are included in this definition and are considered mandatory reporters.
 2. Volunteers are not included in this definition and are not considered mandatory reporters.
- E. **Reasonable Belief**: A belief based on specific and articulable facts which, considered with the rational inferences from those facts, reasonably warrant an individual in believing certain facts.

III. DUTY TO REPORT

- A. All MCL staff are considered mandatory reporters and have a legal duty under Oregon statute to report reasonable suspicion.
- B. As mandatory reporters, staff are required to report reasonable suspicions of child abuse brought to their attention both during and outside of work. The duty to report suspected child abuse extends to all hours of the day, every day.
- C. A mandatory reporter has a duty to immediately make a report with a local law enforcement agency or DHS if s/he has:
 1. Reasonable cause to believe;
 2. Abuse has occurred; and
 3. S/he had contact with the child or the abuser.

D. Exceptions to the duty to report

1. A report does not need to be made if:
 - a. The information is acquired as a result of an official report or a proceeding arising from an official report; and
 - b. The mandatory reporter knows the information is already known by DHS and/or law enforcement.
2. When in doubt, mandatory reporters should make the report.

E. Communications to supervisor and co-workers

1. Sharing suspicions of abuse with a co-worker or a supervisor does not relieve a mandatory reporter of his/her responsibility to make a report to DHS or a law enforcement agency.
2. Under Oregon statute, the duty to report exists even if the employer or organization has its own internal policies for reporting abuse. Employees cannot rely on internal policies to vindicate them of their statutory duty to report.

F. Multiple reporters with knowledge of suspected abuse

1. Employees are not required to report if their only knowledge of the alleged child abuse is from reviewing a report on an MCL internal communication and if the internal communication makes clear that a report has been made.
2. If multiple employees have knowledge of events that leads them to reasonably suspect abuse, the report should be made by those who witnessed the event and anyone who has any additional information that would be relevant to the investigation.
3. If there is doubt that a report has been made and it is not possible to verify the reporting, employees should report the abuse to ensure they have met their legal duty.

IV. HOW TO REPORT

- A. A reporter can call their local law enforcement agency or DHS (24 hours a day) toll free at **1(855) 503-7233**. It is not necessary to report the suspicion or allegation of abuse to both agencies. Law enforcement agencies and DHS share information related to such reports. **If someone is being hurt or is in immediate danger, call 911.**

B. Information to Report

1. Name, age, address of the child involved (if known);
2. Names of parents or caretakers (if known);
3. Nature and extent of suspected abuse;
4. The explanation, if any, given for the abuse; and
5. Any other information that helps establish the cause of the abuse and the identity of the alleged perpetrator.
6. The responding agency will notify the reporter if additional information is needed.

C. In all instances, staff must immediately report suspicions of child abuse even if all the information noted above is not available at the time of the report.

D. If an employee's mandatory reporting duty is triggered due to suspected abuse witnessed during work hours and/or on MCL property or at an MCL sponsored event, the employee should immediately notify their supervisor of the facts concerning the report. However, employees should not wait to make an official report to DHS or local law enforcement agency in order to inform their supervisor first.

V. CONFIDENTIALITY

A. Patron Records

1. Patron confidentiality laws have no bearing on the mandate to report abuse. Our obligation to report possible child abuse takes precedence over state law and policy that protect patron confidentiality.
2. If a staff member can accurately obtain the identity of a child or a suspected abuser from a patron record, s/he may do so in order to report the information to DHS or a local law enforcement agency. Patron records include Pharos computer use records, Symphony records, program registration records and any other record the library creates for the purpose of serving patrons.
3. A patron record can be used to confirm information for reporting, but making a guess at someone's identity using patron records should be avoided. When in doubt, employees should talk with their supervisor or location PIC, the Central PIC or Account Management staff prior to looking in patron records.

- B. Law enforcement agencies and DHS should keep the mandatory reporter's identity confidential from the suspected abuser to the extent allowable by law and as much as their investigation permits. 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.

VI. TIME SPENT IN LEGAL PROCEEDINGS

- A. Time spent serving as a witness in a mandatory reporter related legal proceeding will be treated as time worked for pay purposes provided the time served occurs during regularly scheduled hours and/or the events witnessed occurred on MCL property or at an MCL sponsored event. Reporters should expect to be subpoenaed to appear at a related legal proceeding. Employees should notify their supervisor if they are served a subpoena or contacted by attorneys.
- B. Time spent serving as a witness in legal proceedings for events witnessed during non-work hours and unrelated to MCL are not considered compensable hours worked. Employees may request to flex their schedule to make up the missed work hours or use accrued paid leave for the time.

VII. IMMUNITY

Under ORS 419B.025, mandatory reporters have civil and criminal immunity if:

- A. The report is made in good faith; and
- B. There are reasonable grounds for the report.

VIII. FAILURE TO REPORT

- A. A mandatory reporter who fails to meet their reporting requirement 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.
- B. Failure to report also violates MCL policy and can be grounds for discipline up to and including termination of employment.

VIX. ADDITIONAL RESOURCES

- A. [DHS video on mandatory reporting](#)
- B. [DHS/law enforcement contact numbers](#)

C. DHS pamphlet - [What You Can Do About Child Abuse](#)