

JASPER MOUNTAIN CHILD ABUSE REPORTING POLICY

Policy 3.E.2., "Reporting of Child Abuse" from Jasper Mountain's Policies & Procedures Manual

Jasper Mountain has as its purpose to prevent and treat the negative impact of child abuse. It is the policy of this organization to report all cases of suspected child abuse to the authorized state authority or appropriate law enforcement agency as specified in ORS 419B.010. As Oregon mandated reporters, staff are to follow Oregon reporting laws both at work and in their private lives. Ongoing trainings will provide staff with specifics on their responsibility. The Agency will maintain reportable incident files including: the date of the incident, persons involved, process used to investigate the incident, details of the incident, immediate or remedial actions taken to correct any potential deficiencies and the outcome. This policy includes all staff, paid and volunteer.

If any staff member suspects a case of child abuse that falls within the reporting law of the State of Oregon, the suspecting staff person "shall make or cause to be made an immediate report to either DHS or a law enforcement agency" (ORS 419B.010). Any suspected child abuse is also to be immediately brought to the attention of employee's supervisor or an agency manager. If there is a question as to whether the situation falls within the reporting law, or whether an abuse report has previously been made on the incident, a supervisor or management staff shall be consulted as a part of the reporting process. If the report concerns a member of the Agency's Management Team, he or she is to report the case consistent with Oregon law and immediately provide a written incident report to the President of the Board of Directors. The written incident report may, at the discretion of the reporter, be anonymous, contain the name of the referring party to be held confidentially by the Board, or contain the reporter's name for the record.

Agency staff shall take whatever action is required to bring to the attention of responsible parties information concerning threats of harm toward clients of the Agency or from clients of the Agency toward someone in the community. If Agency staff are unsure of the level of potential harm, they are to consult supervisory staff. An incident report is to be completed on all situations where there is action taken on the concern of harm to or from an Agency client. All Agency incident reports are to be disseminated within one working day of the incident.

There is to be a review by the reporting person's supervisor and program manager after all actions taken regarding this policy to assure professional and ethical actions have been taken.

If it comes to the attention of the Agency that any employee or volunteer is the subject of an investigation of child abuse, the Executive Director and program director most affected will take all prudent action with the information they have to insure the safety of the children in the program. This can include immediate administrative leave until such time as the concerns have been identified and adequately addressed. The Agency will request the final determination of the investigation and shall take any actions necessary and appropriate based on the results and in accordance with Oregon DHS administrative rules. Determinations by the Agency of further suitability for employment will take into consideration any due process rights of the employee and shall be subject to the Agency grievance procedure.

OREGON'S CHILD ABUSE REPORTING LAW

(From Oregon Department of Human Services Pamphlet #9061 & #9010—*What You Can Do About Child Abuse: A Guide for Mandatory Reporters of Child Abuse & Pamphlet, As a Mandatory Reporter ... You Must Report Child Abuse and Neglect*)

Mandatory Reporters

Mandatory Reporters—those people required by law to report child abuse—are a crucial link in the system to protect children. Seventy-five percent of reports come from mandatory reporters. In many cases those community members are the only people outside the immediate family to see babies or small children.

Oregon's Department of Human Resources Child Protective Services (DHS/CPS), as well as law enforcement agencies in the state have a shared legal responsibility for taking child abuse reports and responding to them. All citizens have the responsibility to prevent child abuse and protect children. Oregon law, however, also designates categories of citizens who are mandatory reporters of child abuse and neglect. These mandatory reporters include the following persons.

- Physician, including any intern or resident.
- Dentist.
- Optometrist.
- Chiropractor.
- Licensed practical nurse or registered nurse.
- Naturopathic physician.
- Psychologist.
- Clergyman.
- Licensed clinical social workers.
- Licensed professional counselor.
- Licensed marriage and family therapist.
- Certified provider of foster care, or an employee thereof.
- School employee.
- Peace officer.
- Firefighter or emergency medical technician.
- Attorney.
- A court appointed special advocate (CASA) as defined in ORS 419A.004.
- A child care provider registered or certified under ORS 657A.030 and 657A.250 –657A.450.
- An employee of the following: Department of Human Services, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

Confidentiality & Exceptions

If you are a mandatory reporter, your obligation to make a report applies regardless of whether or not your knowledge of the abuse was gained in your official capacity. Those people who have been granted the right of privileged communication by ORS 40.225 – 40.295 are not required to report abuse

Rev. May 2012

information if the information is gained in a situation where the professional/client relationship is protected. Exemption for privileged communication applies only to the following: psychiatrists, psychologists, clergy and attorneys.

Reportable Categories of Child Abuse

Child welfare professionals often talk about both abuse and neglect, because abuse is usually an action taken against a child, and neglect is usually the lack of care. Oregon law includes neglect as a category of abuse. DHS, in its elucidation of the Oregon Child Abuse Reporting Law, uses the term “child abuse” to include physical abuse, sexual abuse, and negligent treatment of children. DHS includes the following as examples of child abuse which falls under the reporting law, according to ORS 418.740:

- **Physical Injury:** 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 of the injury.
- **Mental Injury:** Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological abilities to function caused by cruelty to the child, with due regard to the culture of the child. Example: A continuing pattern of rejecting, terrorizing, ignoring, isolating or corrupting a child, resulting in serious damage to the child.
- **Neglect:** Negligent treatment or maltreatment of a child, including but not limited to, failure to provide adequate food, clothing, shelter, or medical care. Any child who is under care or treatment solely by spiritual means pursuant to the religious belief or practices of the child or the child’s parents or guardians shall not for this reason alone be considered a neglected or abused child.
- **Sexual Abuse and Sexual Exploitation:** Sexual abuse including, but not limited to, rape, sodomy, sexual abuse, sexual penetration with a foreign object and incest, as those acts are defined in ORS 163. Sexual exploitation, including use of children for pornography and prostitution. Example: Any sexual contact in which a child or teen under 18 years is used to sexually stimulate another person is illegal.
- **Threat of Harm:** Threatened harm to a child, which means subjecting a child to substantial risk of harm to the child’s health and welfare. Example: the presence of domestic violence is a risk for children.
- **Child Selling:** Buying, selling or trading for legal or physical custody of a child. This category does not apply to legitimate adoption or domestic relations planning.

How do I make a Report?

Generally, reports are made by phone because the law requires an oral report. Sometimes the reporter may be asked for additional written materials, such as medical exams, when the information is needed to assess the condition or safety of the child.

Most DHS offices are open from 8 am to 5 pm. If you need to report abuse after hours, contact your local law enforcement agency. When a report is made to DHS, it is shared with appropriate law enforcement agencies and vice versa. You only need to report to one agency or another.

Jasper Mountain is located in Lane County, and the specific instructions for calling the local branch of DHS Child Protective Services is as follows:

Call: 686-7555 for the local DHS office. Press “0” for the operator.

Say: “I’d like to speak with a screener.”

Give the following information as appropriate:

- Child’s name.
- Child’s date of birth.
- Family address and phone number. (Or if appropriate, the person with whom the child resides, his/her relationship to the child, and that person’s address & phone.)
- Child’s disclosure.
- When you took the disclosure.
- How the disclosure came up (in what context).
- Location of marks (if any) on child’s body.

Your name will be kept confidential by DHS; only a court of law can order a reporter’s name released.