



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part 0 – Mission, Values, Principles



Subject

#### Mandatory Reporting of Child Abuse

Section – Policy Number:  
**0-2.3**

Supersedes:  
**I-A-2.0 (7/00)**

Effective Date:  
**6/15/06**

Date of Last Review/Revision:  
**12/15/06**

#### Related Standards and References:

- [ORS Chapter 163](#) (Offenses Against Persons)
- [ORS 418.747](#) (Interagency teams for investigation; duties; training; method of investigation; fatality review process)
- [ORS 418.748](#) (Statewide team on child abuse and suicide)
- [ORS 418.749](#) (Training and continuing education for investigators; curriculum; notice to persons required to report child abuse)
- [ORS 419B.005 through 419B.050](#) (Child Abuse Reporting)
- [ORS 192.001 through 192.170](#) (Public Records Policy)
- [ORS 192.210 through 192.505](#) (Public Reports)
- [ORS 192.610 through 192.990](#) (Public Meetings)
- [Department of Human Services, Child Protective Services \(DHS-CPS\)](#)
- Performance-Based Standards for Juvenile Correction and Detention Centers; Order
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 3-JTS-3D-06-1 (Protection from Harm)
- OYA policy: [0-2.0](#) (Principles of Conduct)  
[I-E-1.0](#) (Sensitive Issue Reporting to the Director's Office)  
[II-B-4.0](#) (Prison Rape Elimination Act)
- OYA form: YA 0050 (Child Abuse Report (YCF))  
YA 0026 (Director's Incident Report)

#### Related Procedures:

- OYA General Field Procedure: [Mandatory Reporting of Child Abuse](#)
- Local Facility/Field Procedure/Protocol

Interpretation: Program Office

Approved:

Robert S. Jester, Director

## I. PURPOSE:

The policy provides specific direction to staff regarding the reporting and documentation of reports of child abuse to the appropriate state agency. Mandatory child abuse reports are required when staff have reasonable belief or suspicion of abuse of offenders or youth under 18 years of age.

## II. POLICY DEFINITIONS:

**Abuse:** Includes physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child; as defined in ORS Chapter 163 and ORS 419B.005, to include:

1. Any assault or physical injury to a child that 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. Any mental injury to a child, which includes only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child.
3. Rape of a child, including but not limited to rape, sodomy, unlawful sexual penetration and incest.
4. Sexual abuse.
5. Sexual exploitation, including, but not limited to:
  - a) Contributing to the sexual delinquency of a minor;
  - b) Allowing, employing, authorizing, permitting, inducing or encouraging a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which depicts sexual conduct or contact; and
  - c) Allowing, permitting, encouraging or hiring a child to engage in prostitution.
6. Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care.
7. Threatened harm to a child, including substantial risk of harm to the child's health or welfare.
8. Buying or selling a person under the age of 18 as described in ORS 163.537.
9. Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

10. Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child's health and safety.

**Child:** An unmarried person who is under 18 years of age, including emancipated youth.

**Contact:** Personal knowledge of a child who is suspected of being abused or an adult who is suspected of abusing a child.

**Immediately:** Without delay; occurring at once.

**Staff:** Those people employed by the OYA, whether or not they have direct contact with offenders in OYA custody, as defined in ORS 419B.010. This definition includes certified foster care providers and other substitute care providers (and employees thereof).

**Substitute care placement:** Any of the out-of-home care and treatment programs authorized by the OYA to serve offenders in OYA custody, including contracted residential treatment programs and certified foster homes. Substitute care placements exclude OYA's close custody facilities.

**Substitute care providers:** Persons authorized by the OYA through contract or other written agreement to provide supervision, care, room and board for offenders on parole or probation status in the community. Such persons include, but are not limited to, contracted residential treatment providers and certified foster parents (including respite providers).

### III. POLICY:

The Oregon Legislature has determined that it is necessary and in the public interest to require mandatory reports and investigations of abuse of children, and to encourage voluntary reports. In particular, Oregon statute requires employees of certain state agencies to report situations where employees have reasonable cause to believe abuse has occurred to law enforcement or the Department of Human Services/Child Protective Services (DHS-CPS).

Within its scope of duties, the OYA is committed to protecting the public and, as such, emphasizes public safety and supports the concerns of crime victims. Staff are designated and required, by statute, to be mandatory reporters of instances of suspected child abuse, occurring on the job and in their private lives.

In conjunction with this responsibility, the OYA recognizes that staff carry an additional responsibility to ensure the safety of offenders in its custody. Whenever abuse is suspected involving an offender under the age of 18, staff will meet the mandatory child abuse reporting requirements. Staff will immediately respond to the safety issues of the offender involved in the situation.

### IV. GENERAL STANDARDS:

- A. Duty to report

1. All staff, including substitute care providers, are subject to mandatory reporting laws and must immediately report suspected child abuse.

Such reports are not limited only to suspicions regarding offenders in OYA custody.

- a) Staff are required to report their suspicions of child abuse; the resulting investigation is the responsibility of DHS/CPS or law enforcement.
- b) As mandatory reporters, staff are required to report suspected child abuse that comes to their attention both during and outside of work hours. The duty to report suspected child abuse is a 24-hour-a-day, 7-day-a-week responsibility.

For example:

- (1) Staff suspects that an offender in OYA custody may have been abused while under the age of 18 or caused the abuse of a person under the age of 18. The staff has a duty to report such suspicions.
- (2) Any allegation, report of abuse or maltreatment allegedly committed by a staff member or substitute care provider against an offender under the age of 18 in OYA custody must be reported.
- (3) In discussion with another person, the staff comes to believe the person they are conversing with may have abused a child. The staff has a duty to report such suspicions.
- (4) In discussion with another person, staff receives secondhand information about the suspected abuse of an OYA offender under the age of 18. Staff will verify that a mandatory report has been made by the person providing the information and the necessary documentation and verification of the report described in this policy have been completed.
- (5) During activities outside work hours, staff sees a situation which he or she believes fits the definition of abuse of a child or the abuse is reported to the staff by other individuals. The staff has a duty to report such an incident.

2. It is the intent of the law to prevent further abuse, as well as safeguard and enhance the welfare of abused children. Therefore,

sharing suspicions of abuse with a Supervisor/Manager or another mandatory reporter does not relieve the person's responsibility to report.

- a) Staff that observe the abuse of offenders under the age of 18 in an OYA close custody facility or under supervision in the community caused by a staff member or substitute care provider, will immediately report the abuse to their Supervisor/Manager after making the mandatory report.
  - b) Any staff that receives allegations made by anyone of abuse committed by a staff or a substitute care provider will immediately report the allegation to his/her Supervisor/Manager after making a mandatory child abuse report.
  - c) If the offender that is the subject of the abuse report is in danger of further abuse, staff will take immediate action to ensure the offender is protected and safe from additional harm.
3. Staff will maintain confidentiality of information as required by law and OYA policy.

B. To whom to report

Oral reports should be made to either local law enforcement or to DHS-CPS.

1. It is not necessary to make the report to both agencies; law enforcement agencies and DHS-CPS share information related to all such reports.
2. It is the responsibility of facility and field Supervisors/Managers to develop local reporting procedures. Such procedures will be in written form and shared with each staff person. Documentation will be made on an annual basis in the working file of each staff maintained by Supervisors/Managers indicating that the staff is aware of local procedure for reporting child abuse.
3. The reporter will make an oral report to the local law enforcement agency or to DHS-CPS within the county where the reporter is located.

C. Information to report

The report will contain:

1. Name, age, address of the child involved.
2. Names of parents or caretakers.

3. Nature and extent of suspected abuse.
4. The explanation, if any, given for the abuse.
5. Other information that helps establish the cause of the abuse and the identity of the alleged perpetrator.
  - a) In all instances, a staff must report suspicions of child abuse even if all the information noted above is not available at the time of the report.
  - b) The responding agency will notify the reporter if additional information is needed.

D. Documentation

1. After making the oral report to law enforcement or DHS-CPS, staff will access Outlook and will complete the YA 0050.
  - a) The YA 0050 will be faxed to the DHS-CPS office or law enforcement agency where the oral report was made.
  - b) The original YA 0050 will be provided to the Superintendent/Camp Director or Supervisor/Manager.
  - c) Copies of the YA 0050 will not be maintained in the offender case file.
  - d) A copy of YA 0050 will be kept in a confidential file maintained by Superintendents/Camp Directors or Supervisor/Managers.
2. Staff will refer to and follow OYA policy I-E-1.0 (Sensitive Issue Reporting to the Director's Office) and complete the YA 0026 when the following occurs:
  - a) An allegation of abuse or maltreatment of an offender while in OYA custody and supervision has been made or is suspected.
  - b) An allegation of abuse or maltreatment is made or suspected of a staff member or substitute care provider.
3. Staff that receive information of a mandatory report made by a substitute care provider, teacher, therapist or any other person concerning an offender in OYA custody will complete YA 0050. A YA 0026 will also be completed if the allegation of abuse occurred while the offender was in OYA custody and supervision.

4. Staff will enter the following information in the JJIS Case Note Field after making the mandatory report and completing the appropriate documentation.
  - a) Staff will use very general terms when documenting mandatory child abuse reports. The names of the alleged perpetrator/victim or specific details of the abuse will not be described.
  - b) The following information will be documented:
    - (1) The date when the mandatory report was made;
    - (2) The location of the offender when the report was made (e.g. Dunbar Cottage, MYCF);
    - (3) The age of the offender when the abuse occurred and where the abuse took place;
    - (4) The general circumstances of the abuse (e.g. offender was physically abused);
    - (5) The relationship of the offender to the alleged perpetrator or victim;
    - (6) Any risk factors that may impact the offender (e.g. visitation in the facility or transition planning back to the community).

E. Verification of the Report

1. Supervisors/Managers will verify the mandatory report with DHS upon receipt of a YA 0050.
2. Supervisors/Managers will contact DHS-CPS or law enforcement and confirm the report has been made by referencing the alleged victim's name.
3. Confirmation of the report will be documented on the YA 0050 with the case number (if available).
4. The original of the YA 0050 will be addressed to the Director of OYA and mailed to Central Support.

F. Training

1. All staff and substitute care providers will receive annual training on mandatory reporting of child abuse either through the Oregon Juvenile Justice Training Academy (OJJTA) or through local community opportunities.

2. Contracts for direct service delivery to offenders will include language regarding mandatory reporting requirements.

G. Confidentiality of records

Unless required by statute, reports and records compiled under the provisions of ORS 419B.010 through 419B.050 are confidential and are not accessible for public inspection.

**V. LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED: YES**

It is the responsibility of facility and field Supervisors/Managers to develop local reporting procedures that identify the local agency staff will make mandatory child abuse reports to.