



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject:

Mandatory Reporting of Elderly Persons and Persons with Disabilities Abuse

Section – Policy Number:

0: Mission, Values, Principles - 2.5

Supersedes:

N/A

Effective Date:

12/20/2013

Date of Last Review:

12/20/2015

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 124.005 to 124.040](#) (Elderly Persons and Persons with Disabilities Abuse Prevention Act)
- [Department of Human Services, Child Protective Services \(DHS-CPS\)](#)
- DHS Website: [Abuse and Neglect Information](#) (Adults)
- [OYA policy](#): 0-2.3 (Mandatory Reporting of Youth Abuse and Child Abuse)

Related Procedures:

None

Policy Owner:

Professional Standards Office Chief Investigator

Approved:

Fariborz Pakseresht, Director

I. PURPOSE:

This policy directs staff on reporting suspected, alleged, or observed abuse of elderly persons and persons who have physical or developmental disabilities.

II. POLICY DEFINITIONS:

Abuse [of an elderly person (65 years of age or older) or person with disabilities]:

As defined in ORS 124.005 to 124.040 to include one or more of the following:

1. Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.
2. Neglect that leads to physical harm through withholding of services necessary to maintain health and well-being.
3. Abandonment, including desertion or willful forsaking of an elderly person or a person with a disability or the withdrawal or neglect of duties and obligations owed an elderly person or a person with a disability by a caregiver or other person.

4. Willful infliction of physical pain or injury.
5. Use of derogatory or inappropriate names, phrases or profanity, ridicule, harassment, coercion, threats, cursing, intimidation or inappropriate sexual comments or conduct of such a nature as to threaten significant physical or emotional harm to the elderly person or person with a disability.
6. Causing any sweepstakes promotion to be mailed to an elderly person or a person with a disability who had received sweepstakes promotional material in the United States mail, spent more than \$500 in the preceding year on any sweepstakes promotions, or any combination of sweepstakes promotions from the same service, regardless of the identities of the originators of the sweepstakes promotion and who represented to the court that the person felt the need for the court's assistance to prevent the person from incurring further expense.
7. Wrongfully taking or appropriating money or property, or knowingly subjecting an elderly person or person with a disability to alarm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the elderly person or person with a disability to believe that the threat will be carried out.
8. Sexual contact with a nonconsenting elderly person or person with a disability or with an elderly person or person with a disability considered incapable of consenting to a sexual act as described in ORS 163.315. As used in this paragraph, "sexual contact" has the meaning given that term in ORS 163.305.

Youth: A person in the legal and physical custody of OYA, either in an OYA facility or placed in the community under supervision, or a person in the legal custody of the Department of Corrections and the physical custody of the OYA in an OYA facility.

Staff: OYA employees.

III. **POLICY:**

Oregon law requires certain professionals and state employees (including OYA staff) to report adult abuse when the adult is aged 65 and older (elderly), or has a physical or developmental disability. This type of reporting is only required for OYA staff if the staff member becomes aware of the abuse while the staff member is performing his/her job duties.

Example: While doing a home visit, an OYA staff member comes in contact with an elderly person who resides in a youth's residence and suspects the elderly person has been abused. The staff member is required to report the suspected abuse because the staff member became aware of the abuse while performing his/her job duties.

If the abused person who has a physical or developmental disability is an OYA youth, staff must follow [OYA policy](#) 0-2.3 (Mandatory Reporting of Youth Abuse and Child Abuse).

IV. GENERAL STANDARDS:

A staff member who is performing job duties and becomes aware of suspected, observed, or alleged abuse of an elderly person or adult who has a physical or developmental disability must verbally report the incident to the staff member's supervisor and the Professional Standards Office (PSO).

A. Abused OYA youth

If the abused person who has a developmental or physical disability is an OYA youth, staff must follow [OYA policy 0-2.3](#) (Mandatory Reporting of Youth Abuse and Child Abuse).

B. Abused elderly person or adult who has a physical or developmental disability (other than OYA youth)

1. Staff must immediately contact the Department of Human Services (DHS), Office of Adult Abuse Prevention and Investigation (OAAPI) at (503) 945-9495 regarding the suspected, observed, or alleged abuse.

Staff may also call Oregon's abuse reporting hotline at (855) 503-SAFE (855-503-7233).

2. Staff must then contact his/her supervisor and PSO regarding the OAAPI report.
3. Staff must document his/her verbal OAAPI report in an e-mail to [PSO](#).
3. Staff may seek additional information regarding reporting adult abuse from the [DHS website](#):
<http://www.oregon.gov/dhs/abuse/Pages/index.aspx>.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO