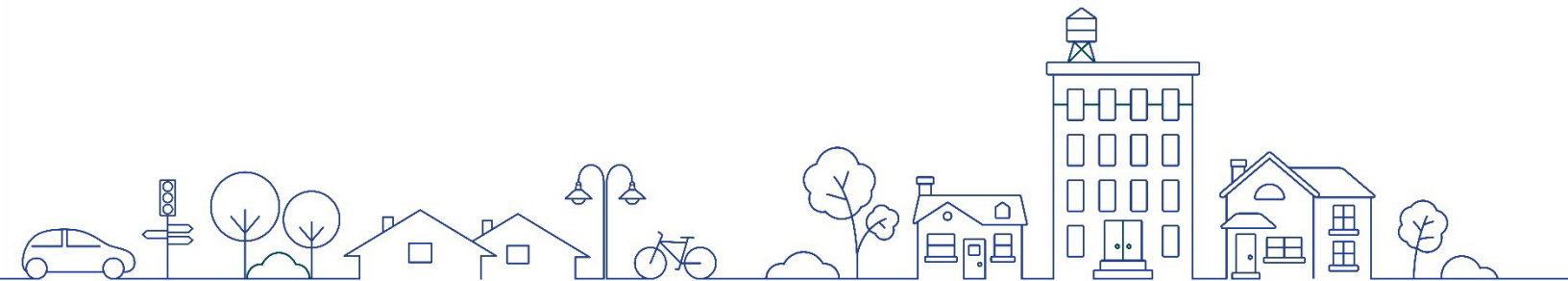


Oregon Municipal Handbook

CHAPTER 30: ABUSE REPORTING



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Chapter 30: Abuse Reporting

Introduction

In Oregon, there are statewide mandatory abuse reporting laws that address when an individual is required by law to report suspected or known cases of child or elder abuse. This chapter will provide a brief overview of a city official's potential responsibilities relating to mandatory abuse reporting.

Disclaimer: These materials are not intended to substitute for obtaining legal advice from a competent attorney. Rather, these materials are intended to provide general information regarding mandatory abuse reporting requirements and provide city officials with general knowledge of when they may have a duty to report abuse.

Child Abuse Reporting

Child abuse is defined to include:

- 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;
- Any mental injury to a child;
- Rape of a child;
- Sexual abuse;
- Sexual exploitation;
- Negligent treatment or maltreatment of a child;
- Threatened harm;
- Buying or selling a person under 18 years of age;
- Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured; and
- Unlawful exposure to a controlled substance or unlawful manufacturing of a cannabinoid extract that subjects a child to substantial risk of harm to the child's health or safety.¹

DHS Abuse Hotline:

Reports of abuse or neglect of any child or adult may be made to the Oregon Department of Human Services by calling:
1-855-503-SAFE (7233).

A child is defined as an unmarried person under the age of 18, or under the age of 21 and residing in or receiving care or services at a child-caring agency.² The mandatory child abuse reporting law creates a duty that requires mandatory reporters to report suspected or known cases of child abuse to the appropriate officials.

¹ ORS 419B.005(1).

² ORS 419B.005(2).

Who has a duty to report?

ORS 419B.005 specifically lists individuals who are considered a mandatory reporter. The list of mandatory reporters includes medical doctors, attorneys, licensed professional counselors, firefighters, EMTs, law enforcement officers, and social workers. Furthermore, the list of mandatory reporters includes all employees of a public organization that provides “child-related services or activities” – such as youth groups or centers, and summer or day camps.³ As such, if the city offers one of these child-related services or activities, it is possible that all employees of the city – regardless of the employee’s involvement with the specific child-related service or activity are mandatory child abuse reporters.

Further, in the 2021 Legislative Session, HB 3071 amended ORS 419B.005 to include the language in subsection (6)(s): “An ***elected official*** of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or ***of a city***, county or other political subdivision in this state.” This amendment became operative as of January 1, 2022, and city elected officials are now bound by the state mandatory reporting statutes.

What does the mandatory reporting duty require?

Any mandatory child abuse reporter having reasonable cause to believe that any child with whom the official comes in contact with must immediately report or cause a report to be made in the manner required in ORS 419B.015.⁴ The reporting requirement may be accomplished orally by telephone or otherwise to a local Oregon Department of Human Services (DHS) office, a DHS representative or to a law enforcement agency within the county in which the person making the report is located at the time of contact.

The DHS provides information and training for mandatory child abuse reporters. Further information on Oregon’s child abuse reporting requirements may be accessible at: https://www.oregon.gov/dhs/ABUSE/Pages/mandatory_report.aspx.

Elder Abuse Reporting

Elder abuse is abuse of an elderly person which includes:

- Any non-accidental physical injury or injury which appears to be at variance from the explanation given of the injury;
- Neglect;
- Abandonment;
- Willful infliction of physical pain or injury;
- Verbal abuse;
- Financial exploitation;
- Sexual abuse;

- Involuntary seclusion for the convenience of a caregiver or to discipline the elderly person; and
- A wrongful use of physical or chemical restraint.⁵

An elderly person is defined to include any person 65 years of age or older.⁶

Who has a duty to report?

For the purposes of elder abuse, the list of mandatory reporters is similar to the list of mandatory reporters for child abuse purposes. For example, the list of mandatory elder abuse reporters includes medical professionals and first responders.⁷ However, the list of mandatory reporters does not include employees of a public organization that provides “child-related services or activities.” This means that unlike mandatory child abuse reporting, employees of cities with certain child-related programs may not be considered mandatory elder abuse reporters by virtue of the city having such child-related programs. A complete list of mandatory elder abuse reporters may be found under ORS 124.050(9).⁸

What does the mandatory reporting duty require?

Similar to child abuse reporting, mandatory elder abuse reporters must immediately report instances of alleged or known elder abuse to the DHS, a local DHS office, or a local law enforcement agency.⁹

The DHS provides further information, guidance and training relating to elder abuse on its website accessible at: <https://www.oregon.gov/DHS/seniors-disabilities/SUA/Pages/Adult-Abuse-Prevention.aspx>.

Failure to Report

A mandatory reporter making a good faith report of child or elder abuse receives immunity from criminal or civil liability.¹⁰ Failure of a mandatory reporter to report of suspected or know case of abuse or cause a report to be made as required is a Class A violation which carries a maximum penalty of \$6,250 in fines and 364 days of imprisonment.¹¹

For additional information and resources related to mandatory reporting requirements and child and elder abuse, please visit the DHS’s website at: <https://www.oregon.gov/odhs/report-abuse/pages/default.aspx>.

³ ORS 419B.005.

⁴ ORS 419B.010.

⁵ ORS 124.050(1).

⁶ ORS 124.050(2).

⁷ ORS 124.050(9).

⁸ A list of mandatory elder abuse reporters listed under ORS 124.050(9) is attached as Appendix B.

⁹ OAR 411-020-0020.

¹⁰ ORS 124.075; ORS 124.060; ORS 419B.025.

¹¹ ORS 124.990; ORS 419B.010(5).

Appendix A

List of Mandatory Reporters: Child Abuse¹²

- Physician or physician assistant licensed under ORS Chapter 677 or naturopathic physician, including any intern or resident.
- Dentist.
- School employee, including an employee of a higher education institution.
- Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
- Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a local health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a child-caring agency as that term is defined in [ORS 418.205](#) or an alcohol and drug treatment program.
- Peace officer.
- Psychologist.
- Member of the clergy.
- Regulated social worker.
- Optometrist.
- Chiropractor.
- Certified provider of foster care, or an employee thereof.
- Attorney.
- Licensed professional counselor.
- Licensed marriage and family therapist.
- Firefighter or emergency medical services provider.
- A court appointed special advocate, as defined in [ORS 419A.004](#).
- A child care provider registered or certified under [ORS 329A.030](#) and [329A.250](#) to [329A.450](#).
- An elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.
- Member of the Legislative Assembly.
- Physical, speech or occupational therapist.
- Audiologist.
- Speech-language pathologist.

¹² ORS 419B.005(6).

- Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
- Pharmacist.
- An operator of a preschool recorded program under [ORS 329A.255](#).
- An operator of a school-age recorded program under [ORS 329A.257](#).
- Employee of a private agency or organization facilitating the provision of respite services, as defined in [ORS 418.205](#), for parents pursuant to a properly executed power of attorney under [ORS 109.056](#).
- Employee of a public or private organization providing child-related services or activities:
 - Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and
 - Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.
- A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.
- Personal support worker, as defined in [ORS 410.600](#).
- Home care worker, as defined in [ORS 410.600](#).
- Animal control officer, as defined in [ORS 609.500](#).
- Member of a school district board or public charter school governing body.
- An individual who is paid by a public body, in accordance with [ORS 430.215](#), to provide a service identified in an individualized written service plan of a child with a developmental disability.

Appendix B:

List of Mandatory Reporters: Elder Abuse¹³

- Physician or physician assistant licensed under ORS Chapter 677, naturopathic physician or chiropractor, including any intern or resident.
- Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
- Employee of the Department of Human Services or community developmental disabilities program.
- Employee of the Oregon Health Authority, local health department or community mental health program.
- Peace officer.
- Member of the clergy.
- Regulated social worker.
- Physical, speech or occupational therapist.
- Senior center employee.
- Information and referral or outreach worker.
- Licensed professional counselor or licensed marriage and family therapist.
- Elected official of a branch of government of this state or a state agency, board, commission or department of a branch of government of this state or of a city, county or other political subdivision in this state.
- Member of the Legislative Assembly.
- Firefighter or emergency medical services provider.
- Psychologist.
- Provider of adult foster care or an employee of the provider.
- Audiologist.
- Speech-language pathologist.
- Attorney.
- Dentist.
- Optometrist.
- Chiropractor.
- Personal support worker, as defined in [ORS 410.600](#).
- Home care worker, as defined in [ORS 410.600](#).
- Referral agent, as defined in [ORS 443.370](#).

¹³ ORS 124.050(9).