

Mandatory Reporting

Hon. Courtland Geyer
Circuit Court Judge
Marion County

Child Abuse Statistics

- Nationally, about 200,000 children are sexually abused each year
- 1 out of 4 girls, 1 out of 9 boys will be abused
- Children ages 7-9 are most commonly abused

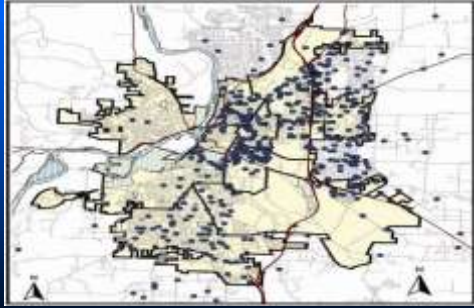
Child Abuse Statistics

- Sex offenders commit an average of 120 separate sexual crimes before they're caught
- Have only 3% chance of being caught

Offender Relationship to Victim

- 16% Biological Parent
- 14% Step Parent
- 16% Other Relative
- 26% Acquaintance or Friend of Parent
- 22% Youth Service Worker
- 5% Stranger
- 1% Other

APPROX. 1,400 REGISTERED SEX OFFENDERS LIVING IN MARION COUNTY



Child Abuse Statistics

- Fewer than 5% of child victims tell anyone
- 1986 Study: Children had to tell an average of nine people before someone called police
- Today, probably closer to one or two but people still have trouble reporting

Failure to Report

Two Top Officials Step Down Amid Penn State Scandal (Fox News headline 11/7/11)

• 2002, a graduate assistant reported seeing Jerry Sandusky (left with photo) sexually assault a naked boy, estimated to be about 10 years old, in a team locker room shower.

• Reported to Coach Joe Paterno (right)

• Reported immediately to Tim Curley, the athletic director (center)

• Reported to Gary Schultz, the school's senior vice president for business and finance

• **NEVER** reported to police



Child Abuse Statistics

- According to the CDC, the leading cause of injury death to children in the United States is homicide
- In Oregon, the age group with the highest rate of homicide is children under one-year of age
- In 2008, one-third of the homicides in Marion County involved child victims (4)

Legislative Intent The Prevention of Child Abuse

■ Encourages voluntary reporting

419B.007 Policy. The Legislative Assembly finds that for the purpose of facilitating the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, and preserve family life when consistent with the protection of the child by stabilizing the family and improving parental capacity, it is necessary and in the public interest to require mandatory reports and investigations of abuse of children and to encourage voluntary reports.

■ Provides civil immunity for making a report in good faith

Who Must Report?

- ORS 419B.010
- Certain professionals
- Public or private officials

Public/Private Officials

- "Public or private official" means:
 - (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric physician and surgeon, including any intern or resident.
 - (b) Dentist.
 - (c) School employee.
 - (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
 - (e) Employee of the Department of Human Services, Oregon Health Authority, 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 program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

Public/Private Officials (cont'd)

- (f) Peace officer.
- (g) Psychologist.
- (h) Member of the clergy.
- (i) Regulated social worker.
- (j) Optometrist.
- (k) Chiropractor.
- (L) Certified provider of foster care, or an employee thereof.
- (m) Attorney.
- (n) Licensed professional counselor.
- (o) Licensed marriage and family therapist.
- (p) Firefighter or emergency medical technician.

Public/Private Officials (cont'd)

- (q) A court appointed special advocate, as defined in ORS 419A.004.
- (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- (s) Member of the Legislative Assembly.

...used to be the end of the list

...but

Public/Private Officials (cont'd)

(added in 2009)

- (t) Physical, speech or occupational therapist.
- (u) Audiologist.
- (v) Speech-language pathologist.
- (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
- (x) Pharmacist.
- (y) An operator of a preschool recorded program under ORS 657A.255.
- (z) An operator of a school-age recorded program under ORS 657A.257.

What is the Duty?

- Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made.

What is the Duty?

- Applies 24 hours/day, 365 days/year
- Personal duty – cannot be passed on to co-worker or superior
- “Immediately”

Exceptions

- Psychiatrists, Psychologists, Clergy and Attorneys
- Shall not be required to report child abuse if the communication is privileged under ORS 40.225 to 40.295
- An attorney is not required to make a report under this section by reason of information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client.

What is “Child Abuse?”



What is “Abuse”???

Defined by ORS 419B.005(1)(a)

- Assault (includes injuries inconsistent with given explanation)
- Sexual abuse and exploitation
- Neglect
- Threat of harm

What is “Reasonable Discipline?”

- ORS 161.205(1)
- Practical considerations:
 - Appropriate reason
 - Age and development of the child
 - Level of force and location

How Do You Report?

- Report to local DHS or law enforcement
- Include (if known):
 - Names/addresses of the child and parents
 - Child's age
 - Nature of the abuse (and any previous abuse)
 - Explanation given for the abuse
 - Any other helpful information

How to Report

Daytime Hours

Call the Child
Abuse Hotline
(503) 378-6704

After Hours

Call 911 or use
confidential
backlines

What to Do in "Close Cases?"

- When in doubt = report
- Standard = "having reasonable cause to believe"
- If you are struggling with the decision, you have reasonable cause

Other Considerations

- You have no duty to investigate
- The report will set in motion an appropriate investigation to determine whether a child has been abused
- Experience shows that professionals do a great job of recognizing child abuse (case example – "The Pee Story")
- No risk lies in reporting what turns out NOT to be child abuse – risk lies in failure to report