

## Administrative Rules

### Rule 3.5 – Mandatory Reporting of Child Abuse

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#### Overview and General Rules

##### I. PURPOSE

Oregon's mandatory reporting law ORS 419B.005 (5)bb regarding child abuse or neglect expanded to apply to more than teachers and physicians. Under the new law, employees of any agency that provides child-related services or activities are now mandatory reporters. For more information, see the Oregon Department of Health Services webpage, [http://www.oregon.gov/DHS/ABUSE/Pages/mandatory\\_report.aspx](http://www.oregon.gov/DHS/ABUSE/Pages/mandatory_report.aspx).

##### II. OBJECTIVE

To outline Deschutes Public Library rules regarding the implementation of ORS 419B.005 (5)bb.

##### III. RULES AND REGULATIONS

###### A. Who is a mandatory reporter in Oregon Public Libraries?

- a. According to ORS 419B.005 (5) bb, Employee of a public or private organization providing child-related services or activities.
- b. Personal support worker, as defined by rule adopted by the Home Care Commission ORS 419B.005 (5) dd.
- c. Mandatory reporting of abuse or neglect is a 24-hour obligation (24/7).

###### B. What is reported?

- a. In the event that an employee suspects that a child is in immediate danger, the employee will notify police.

You will be asked for the following information:

- i. The name and addresses of the child and parents/person responsible for child's abuse.
  - ii. The child's age.
  - iii. The nature and extent of abuse (including any evidence of previous abuse).
  - iv. The explanation given for the abuse.
  - v. Any information the official believes may be helpful in establishing the cause of the abuse of the perpetrator's identity.
- b. In the event that an employee suspects abuse they need to report the matter immediately to their supervisor or manager. The primary witness will contact the local office of the Department of Health Services.

c. Abuse is defined in ORS 419B.005 as:

1. Any assault, as defined in ORS chapter 163, 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.
2. Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.
3. Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.
4. Sexual abuse, as described in ORS chapter 163.
5. Sexual exploitation, including but not limited to:
  - a. Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and
  - b. Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.
6. Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.
7. Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
8. Buying or selling a person under 18 years of age 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 or safety.
11. "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph c. 1 above.