

RECOMMENDED CHILD PROTECTION AND ABUSE PREVENTION POLICY
BOARD OF CHRISTIAN EDUCATION & DISCIPLESHIP
NORTHWEST YEARLY MEETING OF FRIENDS
(SAMPLE TO BE USED BY THE LOCAL CHURCH)

APPENDIX

OREGON LAWS -- Please Note: All laws are subject to change. Please check the laws of your state to know what is currently in effect.

REPORTING OF CHILD ABUSE

419B.005 Definitions. As used in ORS 418.747, 418.748, 418.749 and 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) 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.

(B) 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.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS chapter 163.

(D) Sexual abuse, as defined in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) 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 photo-graphing, 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

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parent or guardian shall not, for this reason alone, be considered a neglected or maltreated child under this section.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.

(H) Buying or selling a person under 18 years of age as described in ORS 163.537.

(1)(b) "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph (a) of this subsection.

(2) "Child" means an unmarried person who is under 18 years of age.

(3) "Public or private official" means:

- (a) Physician, including any intern or resident.
- (b) Dentist.
- (c) School employee.
- (d) Licensed practical nurse or registered nurse.
- (e) Employee of the Department of Human Resources, 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 and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.
- (f) Peace officer.
- (g) Psychologist.
- (h) Clergyman.
- (i) Licensed clinical social worker.
- (j) Optometrist.
- (k) Chiropractor.
- (l) Certified provider of child care or foster care, or an employee thereof.
- (m) Attorney.
- (n) Naturopathic physician.
- (o) Licensed professional counselor.
- (p) Licensed marriage and family therapist.
- (q) Firefighter or emergency medical technician.
- (r) A court appointed special advocate, as defined in ORS 419A.004.

(4) "Law enforcement agency" means:

- (a) Any city or municipal police department.
- (b) Any county sheriff's office.
- (c) The Oregon State Police.
- (d) A county juvenile department. [1993 c.546 s.12; 1993 c.622 s.1a; 1995 c.278 s.50; 1995 c.766 s.1; 1997 c.127 s.1; 1997 c.561 s.3; 1997 c.703 s.3; 1997 c.873 s.30]

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. [1993 c.546 s.13]

419B.010 Duty of officials to report child abuse; exceptions; penalty.

- (1) 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 in the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 shall affect the duty to report imposed by this section, except that a psychiatrist, psychologist, clergyman or attorney shall not be required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295.
- (2) A person who violates subsection (1) of this section commits a violation punishable by a fine not exceeding \$1,000. Prosecution under this subsection shall be commenced at any time within 18 months after commission of the offense. [1993 c.546 s.14]

419B.015 Report form and content; notice to law enforcement agencies and local office of State Office for Services to Children and Families. A person making a report of child abuse, whether voluntarily or pursuant to ORS 419B.010, shall make an oral report by telephone or otherwise to the local office of the State Office for Services to Children and Families, to the designee of the State Office for Services to

Children and Families or to a law enforcement agency within the county where the person making the report is located at the time of the contact. Such reports shall contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for care of the child, the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the explanation given for the abuse and any other information which the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator. When a report is received by the State Office for Services to Children and Families, the State Office for Services to Children and Families shall immediately notify a law enforcement agency within the county where the report was made. When a report is received by a designee of the State Office for Services to Children and Families, the designee shall notify, according to the contract, either the State Office for Services to Children and Families or a law enforcement agency within the county where the report was made. When a report is received by a law enforcement agency, the agency shall immediately notify the local office of the State Office for Services to Children and Families within the county where the report was made. [1993 c.546 s.15; 1993c.734 s.1a]

419B.025 Immunity of person making report in good faith. Anyone participating in good faith in the making of a report of child abuse and who has reasonable grounds for the making thereof shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report. [1993 c.546s.17]

419B.035 Confidentiality of records; when available to others. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records compiled under the provisions of ORS 419B.010 to 419B.050 are confidential and are not accessible for public inspection.