OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles

Subject:

Mandatory Reporting of Youth Abuse and Child Abuse

Section – Policy Number:	*Supersedes:*	*Effective Date:*	*Date of Last Review:*
0: Mission, Values, Principles - 2.3	**0-2.3 (6/10)** **0-2.3 (6/06)** **I-A-2.0 (7/00)**	**12/20/2013**	**12/23/2016**

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 418.748 (Statewide team on child abuse and suicide) ▪ ORS 418.749 (Training and continuing education for investigators; curriculum; notice to persons required to report child abuse) ▪ ORS 419B.005 through 419B.050 (Child Abuse Reporting) ▪ ORS 192.001 through 192.170 (Public Records Policy) ▪ Department of Human Services, Child Protective Services (DHS-CPS) ▪ DHS booklet: What You Can Do About Child Abuse ▪ Performance-Based Standards for Juvenile Correction and Detention Centers; Order ▪ American Correctional Association, *Standards for Juvenile Correctional Facilities;* 4-JCF-3D-01 (Child Abuse and Neglect) ▪ Attachment A: Mandatory Reporting of Youth Abuse Flowchart ▪ Attachment B: Mandatory Child Abuse Reporting Checklists ▪ OYA policy: 0-2.0 (Principles of Conduct) I-E-1.0 (Director's Incident Notification and Report) I-A-10.0 (Preventing, Responding to, and Monitoring Youth Sexual Abuse) I-E-4.0 (Incident Reviews) III-A-1.0 (Youth Incident Report – Field)
Related Procedures:	▪ Facilitywide procedure: FAC I-E-4.0 Youth Incident Report (YIR)

Policy Owner:	**Approved:**
Professional Standards Office Chief Investigator	Fariborz Pakseresht , Director

I. PURPOSE:

This policy directs staff on reporting suspected, alleged, or observed abuse of OYA youth and children.

II. POLICY DEFINITIONS:

Abuse: Includes physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child; as defined in ORS Chapter 163 and ORS 419B.005, to include:

1. Any assault or physical injury to a child that 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 includes only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child.
3. Rape of a child, including but not limited to rape, sodomy, unlawful sexual penetration and incest.
4. Sexual abuse.
5. Sexual exploitation, including, but not limited to:
   a) Contributing to the sexual delinquency of a minor;
   b) Allowing, employing, authorizing, permitting, inducing or encouraging a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which depicts sexual conduct or contact; and
   c) Allowing, permitting, encouraging or hiring a child to engage in prostitution.
6. Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care.
7. Threatened harm to a child, including substantial risk of harm to the child's health or welfare.
8. Buying or selling a person under the age of 18 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 and safety.

Child: An unmarried person who is under 18 years of age, including emancipated youth.

Nonstaff: : Any person who is not an OYA staff person but has contact with OYA youth due to the person's role as an OYA volunteer, mentor, intern, contracted service provider, or contracted service provider's agent.

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 OYA in an OYA facility.

PREA Coordinator: A full-time position that reports to the Professional Standards Office. The PREA coordinator's responsibilities include developing, implementing, and overseeing the agency's plan to comply with national Prison Rape Elimination Act (PREA) standards.

Sexual Abuse Response and Resource Coordinator (SARRC): A management staff member designated by the facility superintendent/camp director to coordinate responses, reporting, and follow-up to incidents of youth sexual abuse within the facility.

Staff: OYA employees.

Substitute care providers: Persons authorized by OYA through contract or other written agreement to provide supervision, care, room and board for youth on parole or probation status in the community. Such persons include, but are not limited to, contracted residential treatment providers and certified foster parents (including respite providers).

III. POLICY:

OYA staff and nonstaff have a responsibility to ensure the safety of all youth in OYA custody, regardless of age. Nonstaff must immediately report any observed, suspected, or alleged abuse to an OYA staff member or Professional Standards Office (PSO). OYA staff must immediately respond to any observed, suspected, or alleged youth abuse by ensuring the youth's safety and reporting the abuse as described in this policy.

Oregon law requires certain professionals and employees of certain state agencies to report to law enforcement or the Department of Human Services/Child Protective Services (DHS-CPS) any instance where the professional or employee becomes aware of or has reasonable cause to believe child abuse has occurred. OYA staff are designated and mandated by law to report any alleged or suspected child abuse occurring on the job **and** in their private lives. Nonstaff may be required to follow the child abuse reporting laws according to their professions or employment statuses.

IV. Mandatory Youth Abuse Reporting:

Staff and nonstaff must report any abuse of a youth that occurred while in OYA legal or physical custody, regardless of the youth's age. See Attachment A (Mandatory Reporting of Youth Abuse Flowchart).

A. Contract administrators must ensure contracts with individuals who have direct contact with youth reflect the duty to report all suspected, observed, or alleged youth abuse, and that contracted health care providers inform youth of that obligation at the initiation of services.

B. OYA site volunteer coordinators must ensure volunteer orientation/training includes information regarding the duty to report all suspected, observed, or alleged youth abuse.

C. Who to report to

1. Once a staff member becomes aware of suspected, observed, or alleged abuse of a youth that occurred while in OYA custody, the staff member must ensure the youth's safety and verbally report the incident to the staff member's supervisor, or officer-of-the-day (OD).

If the alleged perpetrator of the abuse is an OYA staff member or nonstaff, staff must also verbally report the incident to the Professional Standards Office (PSO).

2. Staff must follow additional processes as described in section V of this policy (Mandatory Child Abuse Reporting) when responding to suspected, observed, or alleged abuse of a youth less than 18 years old.

3. Nonstaff must be instructed during their OYA orientations/trainings to verbally report suspected, observed, or alleged abuse of a youth to an OYA staff member or PSO.

4. Staff must follow additional processes as described in OYA policy I-A-10.0 (Preventing, Responding to, and Monitoring Youth Sexual Abuse) when responding to suspected, observed, or alleged youth sexual abuse or sexual harassment.

D. All youth abuse reports must be documented in a Youth Incident Report (YIR) as described in facilitywide procedure FAC I-E-4.0 (Youth Incident Reports) or OYA policy III-A-1.0 (Youth Incident Reports - Field).

E. If PSO receives an abuse complaint that allegedly occurred while a youth was placed in the physical custody of another agency, PSO must notify that agency of the allegation within 24 hours of having received the allegation (e.g., detention facility, Department of Corrections, another state agency).

V. Mandatory Child Abuse Reporting

A. Duty to Report

All OYA staff and substitute care providers are subject to mandatory child abuse reporting laws and must immediately report any observed, alleged or suspected child abuse. The obligation to report includes any child and is not limited to incidents involving youth in OYA legal or physical custody.

1. As mandatory child abuse reporters, staff and substitute care providers are required to report alleged or suspected child abuse brought to their attention both on and off duty. The duty to report suspected child abuse extends to all hours of the day, every day. The duty to report remains the same whether the information is learned through rumors or hearsay, alleged by perpetrators or victims, is suspected, or is observed.

   For example:

   a) A staff member suspects a youth in OYA custody may have been abused while under the age of 18 or caused the abuse of a person under the age of 18. The staff member has a duty to report the suspicion.

   b) Any allegation or report of abuse or maltreatment allegedly committed by a staff member or substitute care provider to a youth under the age of 18 in OYA custody must be reported.

c) While talking to another person, a staff member believes the person they are talking to may have abused a child. The staff member has a duty to report the suspicion.

d) While talking to another person, a staff member hears secondhand information about the suspected abuse of an OYA youth under the age of 18. The staff member must verify a mandatory report has been made by the person providing the information, and the necessary documentation and report verification described in this policy have been completed.

e) During off-duty hours, a staff member sees or hears about an incident which the staff member believes or suspects is child abuse. The staff member has a duty to report the incident whether the child is in OYA custody or not.

2. The intent of the law is to prevent further abuse, and safeguard and enhance the welfare of abused children. Simply sharing suspicions of abuse with a supervisor or another mandatory reporter does not relieve the person's responsibility to report as described in subsection B below.

3. Staff must assess whether the youth who is the subject of the abuse report may be in danger of further abuse and take immediate action to ensure the youth is protected and safe from additional harm.

4. Staff must maintain confidentiality of information as required by law and OYA policy.

5. Staff must ensure the victim and reporting parties are free from retaliation for reporting suspected abuse.

   For youth-related incidents, staff may receive disciplinary action for direct retaliation or for allowing retaliation to occur.

B. Who to report to

Depending on when and where the incident occurred, immediate verbal reports must be made accordingly. See Attachment A (Mandatory Reporting of Youth Abuse Flowchart) and Attachment B (Mandatory Child Abuse Reporting Checklists) for clarity.

1. Oregon State Police (OSP)

   Staff must report child abuse to OSP if -

   a) The alleged child abuse victim currently resides in an OYA close-custody facility; or

   b) The alleged child abuse perpetrator is an OYA staff or nonstaff.

2. Local law enforcement

Staff must report child abuse to local law enforcement if -

a) The victim or perpetrator is on OYA community supervision and the staff member knows the local protocol requires local law enforcement reporting; or

b) The alleged victim resides in the community and the incident requires emergency community response.

3. DHS-CPS (within the county the **reporter** is located)

Staff must report child abuse to DHS-CPS if -

a) The victim or perpetrator is on OYA community supervision and the staff member is unaware of the community child abuse reporting protocol;

b) The victim or perpetrator is on OYA community supervision and the staff member knows the community protocol requires reporting to DHS-CPS;

c) An OYA youth alleges to have abused a child or to have been abused as a child in the past while not in OYA custody (e.g., a staff member becomes aware of historical child abuse during a youth's treatment process); or

d) Neither the victim nor the perpetrator is in OYA legal or physical custody and the victim does not require emergency community response.

C. Information to Report

In all instances, staff must report child abuse even if all the information is not available at the time of the report. The verbal report must contain, at least the following information if known:

1. Name, age, address of the child involved (if known);

2. Names of parents or caretakers (if known);

3. Nature and extent of suspected, alleged, or observed abuse, including noticeable or reported injuries;

4. The explanation, if any, given for the abuse; and

5. Any other information that helps establish the cause of the abuse and the identity of the alleged perpetrator, including where and when the incident occurred.

D. Follow-up verbal notifications

If an OYA youth was a victim or perpetrator in the child abuse report, staff must also make the following verbal notifications after reporting the child abuse incident to DHS-CPS, OSP, or local law enforcement:

1. The staff member's immediate supervisor if the alleged incident occurred while the youth was in OYA custody;

2. PSO, if the alleged perpetrator is an OYA staff member or nonstaff; and

3. The PREA Coordinator and the local facility Sexual Abuse Response and Resource Coordinator (SARRC) if the alleged abuse was sexual **and** occurred during the youth's commitment to OYA.

   See OYA policy I-A-10.0 (Preventing, Detecting, and Responding to Youth Sexual Abuse) for more instructions about responding to youth sexual abuse.

E. Follow-up documentation is **not** required when the reported incident does **not** involve an OYA youth. For example, the reported incident occurred in the community by and to members of the general public.

F. Documenting youth-related child abuse reports

1. All youth-related child abuse reports must be documented in a Youth Incident Report (YIR).

2. Staff must select one of the following YIR types to document the child abuse report.

   The YIR type depends on when and where **the abuse occurred**.

   a) Information-only YIR

      An informational YIR must only be used to document reported incidents when the incident occurred while a youth was **not** in OYA custody (historical child abuse incidents).

   b) Facility YIR

      A facility YIR must be used to document reported incidents when the incident occurred while a youth was residing in an OYA facility.

   c) Field YIR

      A field YIR must be used to document reported incidents when the incident occurred while a youth was on OYA community supervision.

3. Staff as alleged perpetrators

   If the alleged perpetrator of abuse is a staff member, the reporting staff member must create the YIR with minimal staff identifying information.

   a) Staff must omit the name of the alleged perpetrator;

b) Staff must immediately restrict access to the YIR; and

c) Staff must ensure PSO is notified.

4. If the reporting staff does not have JJIS security access to create a YIR, the reporting staff must contact his/her supervisor for further instructions. Another staff member who has JJIS security access to create a YIR may initiate the YIR, or PSO may assist in the process.

G. Verifying youth-related child abuse reports

1. Child abuse reports must be verified by a supervisor/manager during the normal YIR review process.

   See OYA policy III-A-1.0 (Youth Incident Reports - Field) and facilitywide procedure FAC I-E-1.0 (Youth Incident Report) for process details.

2. During the YIR review, the supervisor/manager must ensure the YIR indicates specifically to whom the verbal report was made (OSP, local law enforcement, DHS-CPS), what information was given during the verbal report, and that the Notification Documentation screen is correct (e.g., PSO radio button is clicked).

3. Prior to locking the YIR, the supervisor/manager must ensure all documentation is correct and notifications were made according to this policy.

4. Additional notification to superintendent/camp director, field supervisor, or community resources manager

   The supervisor/manager reviewing the YIR must notify the below-listed staff if the child abuse incident occurred while the youth was in OYA legal or physical custody but the youth is no longer in the placement where the incident occurred.

   a) Facility superintendent/camp director if the abuse occurred in or during a facility placement.

   b) Community resource manager and field supervisor if the abuse occurred during substitute care placement.

   c) Field supervisor if the abuse occurred during community placement.

H. Training

1. All staff must complete annual training on mandatory child abuse reporting offered by the OYA Training Academy.

2. Volunteer coordinators and contract administrators must ensure this policy is included in nonstaff orientations.

I. Confidentiality of records

Unless required by statute, reports and records compiled under the Oregon mandatory child abuse laws are confidential and may not by disclosed to the public.

J. Local operating protocols

Each field supervisor must have a written local protocol for youth-related child abuse reporting.

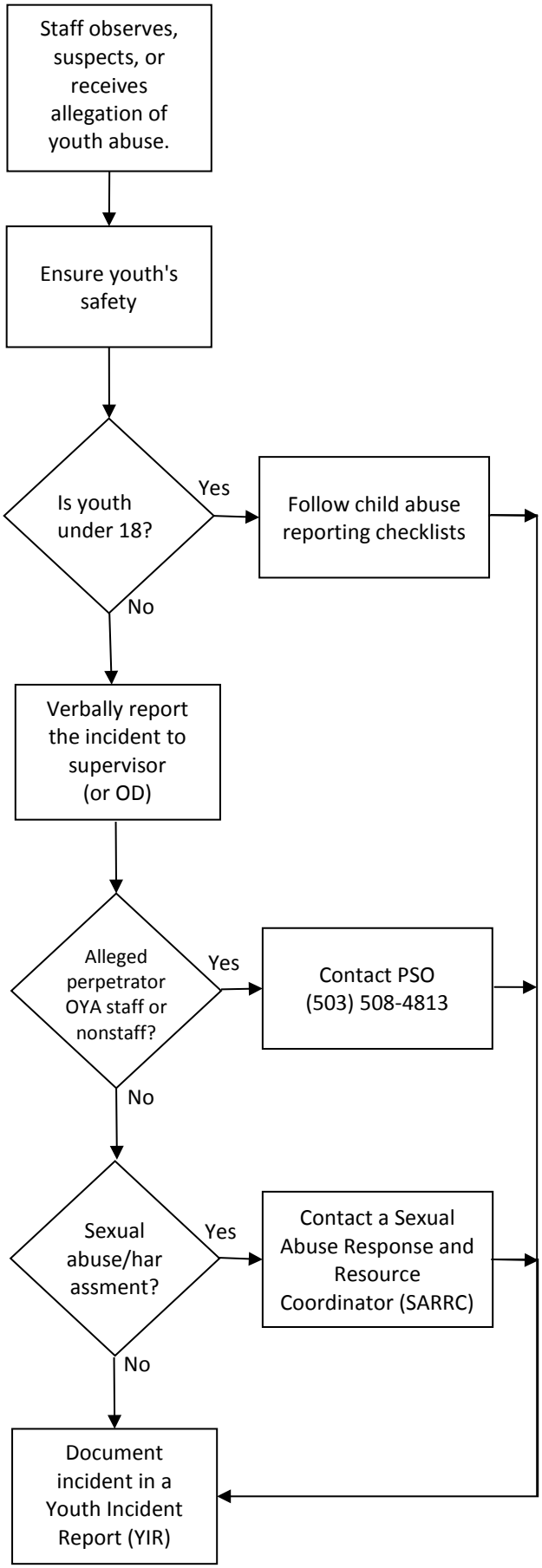
Documentation of each staff member's awareness of local mandatory child abuse reporting protocols must be updated during the annual performance appraisal and completion of the online Annual Policy Acknowledgement review in iLearn.

VI. LOCAL OPERATING PROTOCOL REQUIRED: YES

Each field supervisor must have a local protocol identifying which local agency (OSP, law enforcement or DHS-CPS) staff must report youth-related child abuse to.

The local protocol must include specific contact details (e.g., phone numbers, after-hour procedures, and any centralized reporting requirements).

Abuse incident happened while youth was in OYA custody



References:

- PSO = Professional Standards Office
- Nonstaff = OYA volunteer, mentor, intern, contracted service provider (or their agent)
- SARRC: Sexual Abuse Response and Resource Coordinator
- OD: Officer-of-the-day

Child Abuse Victim = Youth who currently resides in an OYA facility

- ☐ Ensure youth is safe
- ☐ Make a verbal report to Oregon State Police (OSP) including this information:
  - ☐ Name, age, address of the victim
  - ☐ Names of parents or caretakers (if known)
  - ☐ Nature and extent of abuse, including noticeable or reported injuries
  - ☐ Explanation given for abuse (if any)
  - ☐ Any other information that helps establish the cause of the abuse and the identity of the alleged perpetrator (where and when the incident occurred)
- ☐ Make follow-up verbal notifications:
  - ☐ Your immediate supervisor if abuse occurred during OYA commitment.
  - ☐ Professional Standards Office (PSO) if the alleged perpetrator is an OYA staff, volunteer, or contractor.
  - ☐ PREA Coordinator and local Sexual Abuse Response and Resource Coordinator (SARRC) if sexual abuse **and** occurred during OYA commitment.
- ☐ Document the verbal report in a YIR
  - ☐ Information-only YIR - if the incident occurred while the youth **was not** in OYA custody. These typically are historical incidents staff become aware of through the youth's treatment.
  - ☐ Facility YIR - if the incident occurred while the youth was living in an OYA facility.
  - ☐ Field YIR - if the incident occurred while the youth was on OYA community supervision.
- ☐ Is staff the alleged perpetrator?
  - ☐ No = no additional precautions
  - ☐ Yes = do the following
    - ☐ Omit the name of the alleged perpetrator in the YIR
    - ☐ Restrict access to the YIR
    - ☐ Ensure PSO is notified

Child Abuse Perpetrator = Youth who currently resides in an OYA facility

- ☐ Make a verbal report to Oregon State Police (OSP) including this information:
  - ☐ Name, age, address of the victim (if known)
  - ☐ Names of parents or caretakers (if known)
  - ☐ Nature and extent of abuse, including reported injuries
  - ☐ Explanation given for abuse (if any)
  - ☐ Any other information
- ☐ Make follow-up verbal notifications:
  - ☐ Your immediate supervisor if the abuse occurred during OYA commitment.
  - ☐ PREA Coordinator and local Sexual Abuse Response and Resource Coordinator SARRC if sexual abuse **and** occurred during OYA commitment.
- ☐ Document the verbal report in a YIR
  - ☐ Information-only YIR - if the incident occurred while the youth **was not** in OYA custody. These typically are historical incidents staff become aware of through the youth's treatment.
  - ☐ Facility YIR - if the incident occurred while the youth was living in an OYA facility.
  - ☐ Field YIR - if the incident occurred while the youth was on OYA community supervision.

Child Abuse Victim = Youth who currently is on OYA community supervision

- ☐ Ensure youth is safe
- ☐ Make a verbal report - to whom depends on variables below
  - ☐ Oregon State Police (OSP) - if alleged perpetrator is an OYA staff, volunteer, or contractor
  - ☐ Local law enforcement -
    - ☐ If you know your local community protocol requires local law enforcement reporting
    - ☐ If the incident requires emergency community response (law enforcement, ambulance, fire)
  - ☐ DHS-CPS (Child Protective Service) –

    Oregon's abuse reporting hotline: (855) 503-SAFE (855-503-7233)
    - ☐ If you know your local community protocol requires DHS-CPS reporting
    - ☐ If you're not sure what your local community protocol requires
    - ☐ If the abuse occurred prior to the youth's commitment to OYA (e.g., a staff member becomes aware of historical child abuse during a youth's treatment process)
- ☐ The verbal report must contain this information -
  - ☐ Name, age, address of the victim
  - ☐ Names of parents or caretakers (if known)
  - ☐ Nature and extent of abuse, including noticeable or reported injuries
  - ☐ Explanation given for abuse (if any)
  - ☐ Any other information that helps establish the cause of the abuse and the identity of the alleged perpetrator (where and when the incident occurred)
- ☐ Make follow-up verbal notifications:
  - ☐ Your immediate supervisor if the abuse occurred during OYA commitment.
  - ☐ Professional Standards Office (PSO) if alleged perpetrator is an OYA staff, volunteer, or contractor.
  - ☐ PREA Coordinator and local Sexual Abuse Response and Resource Coordinator (SARRC) if sexual abuse **and** occurred during OYA commitment.
- ☐ Document the verbal report in a YIR
  - ☐ Information-only YIR - if the incident occurred while the youth **was not** in OYA custody. These typically are historical incidents staff become aware of through the youth's treatment.
  - ☐ Facility YIR - if the incident occurred while the youth was living in an OYA facility.
  - ☐ Field YIR - if the incident occurred while the youth was on OYA community supervision.
- ☐ Is staff the alleged perpetrator?
  - ☐ No = no additional precautions
  - ☐ Yes = do the following
    - ☐ Omit the name of the alleged perpetrator in the YIR
    - ☐ Restrict access to the YIR
    - ☐ Ensure PSO is notified

Child Abuse Perpetrator = Youth who currently is on OYA community supervision

- ☐ Make a verbal report - to whom depends on variables below
  - ☐ Oregon State Police (OSP) - if the alleged victim currently resides in an OYA facility
  - ☐ Local law enforcement -
    - ☐ If you know your local community protocol requires local law enforcement reporting
    - ☐ If the incident requires emergency community response (law enforcement, ambulance, fire)
  - ☐ DHS-CPS (Child Protective Services) –

    Oregon's abuse reporting hotline: (855) 503-SAFE (855-503-7233)
    - ☐ If you know your local community protocol requires DHS-CPS reporting
    - ☐ If you're not sure what your local community protocol requires
    - ☐ If the abuse occurred prior to the youth's commitment to OYA (e.g., a staff member becomes aware of historical child abuse during a youth's treatment process)
- ☐ The verbal report must contain this information -
  - ☐ Name, age, address of the victim (if known)
  - ☐ Names of parents or caretakers (if known)
  - ☐ Nature and extent of abuse, including noticeable or reported injuries
  - ☐ Explanation given for abuse (if any)
  - ☐ Any other information that helps establish the cause of the abuse and the identity of the alleged perpetrator (where and when the incident occurred)
- ☐ Make follow-up verbal notifications:
  - ☐ Your immediate supervisor if the abuse occurred during OYA commitment.
  - ☐ PREA Coordinator and local Sexual Abuse Response and Resource Coordinator (SARRC) if sexual abuse **and** occurred during OYA commitment.
- ☐ Document the verbal report in a YIR
  - ☐ Information-only YIR - if the incident occurred while the youth **was not** in OYA custody. These typically are historical incidents staff become aware of through the youth's treatment.
  - ☐ Facility YIR - if the incident occurred while the youth was living in an OYA facility.
  - ☐ Field YIR - if the incident occurred while the youth was on OYA community supervision.

Child abuse incident does not involve youth in OYA custody nor OYA staff, volunteers, contractors

- ☐ Make a verbal report to DHS-CPS (Child Protective Services) including this information -

  Oregon's abuse reporting hotline: (855) 503-SAFE (855-503-7233)

  - ☐ Name, age, address of the victim (if known)
  - ☐ Names of parents or caretakers (if known)
  - ☐ Nature and extent of abuse, including reported injuries
  - ☐ Explanation given for abuse (if any)
  - ☐ Any other information
- ☐ Follow-up verbal notifications?
  - ☐ None necessary
- ☐ Document the verbal report?
  - ☐ None necessary

Child Abuse Perpetrator = OYA staff, volunteer, contractor
Victim = Not in OYA physical or legal custody

- ☐ Make a verbal report to Oregon State Police (OSP)
- ☐ The verbal report must contain this information -
  - ☐ Name, age, address of the victim (if known)
  - ☐ Names of parents or caretakers (if known)
  - ☐ Nature and extent of abuse, including noticeable or reported injuries
  - ☐ Explanation given for abuse (if any)
  - ☐ Any other information that helps establish the cause of the abuse and the identity of the alleged perpetrator (where and when the incident occurred)
- ☐ Make a follow-up verbal notification to PSO