



Policy/Procedure Title: Mandatory Abuse Reporting			
Section-Policy Number:	Supersedes: Mandatory Abuse Reporting rev. 3/25/2014	Effective Date:	Date of Last Review/Revision: 5/17/19
Related Standards and References:	CARF 1.E.2; How to Report Abuse and Neglect OR ; ORS 418.258 ; ORS 418.205 ; Definitions for ORS 418.257 to 418.259 ; Report Child Abuse or Neglect WA ; RCW 26.44.030 ; RCW 26.44.015 ; ORS 430.737 ; RCW 74.34.035		
Related Procedures:	Employee Guidebook Section VIII		
Interpretation: HR Director		Approved By: Full Management Team on August 6, 2019	

Policy

In accordance with Oregon Revised Statute (ORS) 418.258 and Revised Code of Washington (RCW) 26.44.031, any employee of Janus Youth Programs, a licensed child caring agency, having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse or a person with whom the employee has come in contact has abused a child shall report or cause a report to be made.

This policy also includes reporting abuse and neglect for Vulnerable Adults, including adults with mental illness or developmental disabilities, as defined in ORS 430.737 and RCW 74.34

According to ORS 418.258, “the duty to report abuse of a child in care is personal to the employee and that the duty is not fulfilled by reporting the abuse to the owner, operator or any other employee of the child-caring agency, proctor foster home, certified foster home or developmental disabilities residential facility even if the owner, operator or other employee reports the abuse of a child in care to the director, the director’s designee or the department.”

Reporting should be considered a suspected incident of abuse or neglect. A Report is not an already established fact, but rather the request for assessment into the condition of a child. It’s the beginning of a helping process for children and families.

1) "Abuse" means one or more of the following:

(a) Any physical injury to a child in care caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.

(b) Neglect of a child in care.

(c) Abandonment, including desertion or willful forsaking of a child in care or the withdrawal or neglect of duties and obligations owed a child in care by a child-caring agency, caretaker, certified foster home, developmental disabilities residential facility or other person.

(d) Willful infliction of physical pain or injury upon a child in care.

(e) An act that constitutes a crime under ORS 163.375 (Rape in the first degree), 163.405 (Sodomy in the first degree), 163.411 (Unlawful sexual penetration in the first degree), 163.415 (Sexual abuse in the third degree), 163.425 (Sexual abuse in the second degree), 163.427 (Sexual abuse in the first degree), 163.465 (Public indecency), 163.467 (Private indecency) or 163.525 (Incest).

(f) Verbal abuse.

(g) Financial exploitation.

(h) Sexual abuse.

(i) Involuntary seclusion of a child in care for the convenience of a child-caring agency, caretaker, certified foster home or developmental disabilities residential facility or to discipline the child in care.

(j) A wrongful use of a physical or chemical restraint of a child in care, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

Procedure

1. When a client reports abuse, the staff that receives the information will first inform the client that all abuse must be reported to the OR Abuse Hotline at DHS or WA Child Protective Services (CPS). Reporting for Vulnerable Adults will go through OR Abuse Hotline or WA Adult Protective Services (APS).
2. The staff should be supportive and non-judgmental, gathering only the required information necessary to complete the Abuse Incident Report Form. Refrain from asking additional or leading questions.
3. Immediately file the report with the Child Abuse Hotline or CPS. Do not end your shift without filing the report. For OR DHS Licensed Residential programs, if the youth is in DHS custody, after filing the report, notify the client's DHS worker and fax a copy of the incident report.

4. Follow your program's policy and procedure for recording the report. In Oregon, a CCA will also submit an Incident Report to DHS Licensing within 24 hours. In Washington, Oak Bridge will use form provided by the state.

When a report involves an allegation concerning a Janus Youth Programs staff member, complete the above steps and then the following additional steps:

1. When a report involves an allegation concerning a Janus staff member, the staff that takes the report will notify the Program Director. If the Program Director is unavailable, the staff member will notify Supervisor On-Call. The Program Director or Supervisor On-Call will notify the Director of Human Resources.
2. If the abuse allegation is regarding the Program Director, contact the Janus Director of Human Resources or the Executive Director directly. They will establish a plan and contact the DHS contracts office.

AGENCY PROTOCOLS ABUSE REPORTING – PROTOCOLS FOR INVESTIGATIONS

The agency will cooperate fully with any investigations initiated due to allegations or suspicion of abuse and will comply with mandatory reporting requirements. The Agency's initial response to any allegation or suspicion of abuse will be focused on assuring client safety. When a staff person is implicated in a report of child abuse, the Office of Training Investigations and Safety (OTIS), DHS Licensing, Oregon Youth Authority, and/or CPS will conduct the investigation and the agency will fully cooperate with the investigation and recommended actions.

Depending on the seriousness of the allegation, the agency will take interim measure to assure client and staff safety pending the outcome of the investigation. In determining interim measures, the agency will consider the nature of the alleged abuse, the known circumstances immediately preceding the alleged incident, the length of employment of the accused, and past performance of the accused. In some cases, it will be appropriate to provide verbal feedback and coaching to the employee while allowing the employee to remain working; in other instances, the employee may be placed on administrative leave. Typically, an employee placed on administrative leave is paid for up to the first 40 hours of leave; following which the leave is unpaid (although the employee can use PTO, as applicable). If the investigation is being completed by OTIS, the timeliness of completion is out of the agency's control.

Once the investigation is completed, the agency will determine appropriate action. Examples of typical actions include, but are not limited to, (a) training, (b) clarification of expectations, (c) warning letter, or (d) termination of employment. Generally, if the allegation is Unfounded or Inconclusive, the employee may return to work. If the allegations are founded, the Agency's response will again be tailored based upon recommendations and actions issued by the Background Check Unit as all founded allegations must complete a new background check.

Although the agency strives for consistency in terms of process, we also realize every incident will bring its own unique set of circumstances requiring consideration. Although we want to give thoughtful consideration to that set of circumstances, our primary goal will be to always guarantee client and staff safety.