Family Planning Clinics (FPC) are mandatory reporters for purposes of ORS 419B.005 to .050, the Mandatory Child Abuse Reporting statutes. As such, an Oregon FPC is required to have policies in place to regulate staff compliance with these statutes.

FPC policies must include, but are not limited to the following:

- All clients must receive notice that FPC staff are mandatory child abuse reporters, including child sexual abuse, pursuant to ORS 419B.005 to .050, prior to receiving any services or providing any information to FPC staff, including medical and sexual history.1

- FPC staff are required to make a mandatory child abuse report to law enforcement or child welfare pursuant to ORS 419B.005-050 anytime that there is reasonable cause to believe that:
  
  o A client under the age of 12 has engaged in or been subjected to sexual contact2 with anyone 3 years of age or older; A client under the age of 18 has been subjected to sexual contact with anyone where forcible compulsion was used or where the client was incapable of consent due to mental defect, mental incapacity or physical helplessness;
  
  o A client under the age of 16 has engaged in or been subjected to sexual intercourse3 or deviate sexual intercourse4 with a sibling, parent or step-parent of the client; A client under the age of 18 has been caused by another person who is 3 years of age or older than the client, to touch or contact the mouth, anus or sex organs of an animal for the purposes of arousing or gratifying the sexual desire of a person.

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1 “Child abuse” is defined in ORS 419B.005(1)(a).
2 “Sexual contact” is defined in ORS 163.305 as “any touching of the sexual or intimate parts of another person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.”
3 “Sexual intercourse” is defined in ORS 163.305(7) as having “its ordinary meaning and occurs upon any penetration however slight; emission is not required.”
4 “Deviate sexual intercourse” is defined in ORS 163.305(1) as “sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another.”
A client discloses having sexual contact with any child under the age of 18 who is three years of age or younger than the client, with any child under the age of 18 who is incapable of consent due to mental incapacity or physical helplessness or any sexual contact in which the client used forcible compulsion with a child under the age of 18.

A client discloses having sexual contact with any child under the age of 16 who is related to the client as a sibling, child or step-child.

A client discloses causing a person under the age of 18, who is at least 3 years of age or younger than the client, to touch or contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person.

Specific instructions for FPC staff to comply with and complete the mandatory child abuse reporting obligation by a report to either law enforcement or DHS Child Welfare.

A statement that ORS 419B.005-050 does not require mandatory reporters to conduct an investigation to determine whether child abuse has occurred. Instead, the mandatory reporting requirement applies whenever FPC staff have reasonable cause to believe that abuse occurs. However, proper screening of the service needs of clients should include asking all clients as part of their sexual history:

- Whether coercion or compulsion has occurred in their sexual relationships; and
- Whether their sexual partner or partners are in a position of authority over them; and, in the case of those under the age of 18, this definition should include individuals who are significantly older than they are.
- Clients should be informed in advance that services will be provided whether or not the client provides responses to questions about the age of the sexual partner.

Statutes referenced: ORS 419B.005 to 419B.021, ORS 163.305 to 163.479

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5 ORS 419B.010 sets forth the specific duties of mandatory reporters.