

Mandatory Child Abuse Reporting Requirement: Required Reproductive Health Clinic Policies

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

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

- All clients must receive notice that RHC 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 RHC staff, including medical and sexual history.¹
- RHC 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:
 - A client under the age of 12 has engaged in or been subjected to sexual intercourse or deviate sexual intercourse;
 - A client under the age of 18 but older than 12 has engaged in or been subjected to sexual intercourse or deviate sexual intercourse with anyone 3 years of age or older than the client;
 - A client under the age of 18 has been subjected to sexual intercourse or deviate sexual intercourse with anyone where forcible compulsion was used or where the client was incapable of consent due to mental defect, mental incapacity or physical helplessness;
 - A client under the age of 16 has engaged in or been subjected to sexual intercourse² or deviate sexual intercourse³ with a sibling, parent or step-parent of the client;

¹ "Child abuse" is defined in ORS 419B.005(1)(a).

² "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."

³ "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."

Exhibit A-4

- 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 under the age of 12 has disclosed that another person has penetrated the vagina, anus, or penis of the client with any object other than the penis or mouth of the actor;
- A client under the age of 14 but older than 12 has disclosed that another person who is more than 3 years of age or older than the client has used his or her hand (or any part thereof) to penetrate the vagina, anus, or penis of the client;
- A client under the age of 18 has disclosed that another person has penetrated the vagina, anus, or penis of the client with any object other than the penis or mouth of the actor and either forcible compulsion was used or the client was incapable of consent due to mental defect, mental incapacity or physical helplessness;
- A client of any age has had 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 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;
- A client of any age 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 desires of a person; or
- A client under the age of 18 has disclosed that another person who is 3 years of age or older than the client has propelled any dangerous substance at the client without the consent of the client for the purpose of arousing or gratifying the sexual desire of the person.

Exhibit A-4

- Specific instructions for RHC 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.⁴ Instead, the mandatory reporting requirement applies whenever RHC staff has 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

⁴ ORS 419B.010 sets forth the specific duties of mandatory reporters.