



Through the Eyes of a Child Judicial Conference

Child Abuse Reporting

Oregon Child Abuse Hotline (ORCAH)

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Topics for today:

I. Child Welfare Division

II. Oregon Child Abuse Hotline

III. Data

IV. Oregon Revised Statute

V. Screening Process & Decisions

VI. Special Considerations & Practice

Supporting well-being across the lifespan

Effective supports at one stage of life contribute to greater well-being over the rest of our lives.

Child Welfare



Vision for Transformation

All children deserve to experience safe, stable, healthy lives and grow up in the care of their loving family and community

- Racial equity and anti-racist
- The spirit of what we believe the child welfare system can and should be in Oregon
- Created through collaborative discussions with our workforce, community partners and Oregon Tribal Nations

Child Welfare Division Areas of Work

Community-facing

- Screening and Oregon Child Abuse Hotline
- Child Safety
- Permanency
- Youth Transitions
- Treatment Services
- Foster Care
- Fatality Prevention and Review
- Resource Parent Retention & Recruitment
- Development of prevention services within communities



Operations & policy

- Interstate Compact for Placement of Children
- Federal and State Policy and Revenue
- Business Operations
- Contracts
- OR-Kids

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Oregon Child Abuse Hotline (ORCAH)



Mission:

To receive reports of child abuse and provide excellent customer service with equitable and consistent decision making to ensure safety for Oregon's Children.

Vision:

Engage our communities, including mandatory reporters, and respond to reports of child abuse in a transparent way. Our vision is to do so while ensuring our children and youth, in their own communities, are safe.

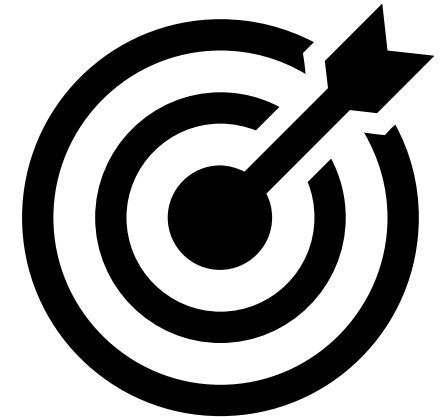
ORCAH Performance Goals

ORCAH's three foundational goals are safety, consistency, and customer service.

- **Safety** refers to the extent to which ORCAH is contributing to the Child Welfare mission of ensuring child safety in a manner that promotes equitable service delivery.
- **Consistency** refers to ORCAH's ability to provide consistent, equitable decision making that aligns with statute and policy, as well as call handling and documentation that is predictable.
- **Customer service** refers to meeting the needs of the children and families of Oregon by answering calls timely with an approach to the work that is trauma-informed and considers cultural context.

ORCAH Key Performance Indicators

- Contact service level
- Timely referral to Child Protective Services (CPS) of assigned reports
- Timely approval of closed at screening (CAS) reports
- Accurate screening decisions
- Sufficient information gathering/documentation
- Consistent screening decisions
- Equity in screening practice and decisions

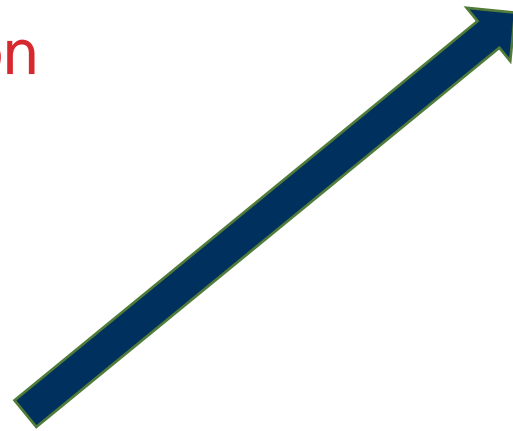


ORCAH Queue Management Options

Reporting line for abuse of children, older person or vulnerable adult :

1-855-503-SAFE

- Child Abuse: #1
- Adult Abuse: #2
- Spanish speaking options available



- Oregon Child Abuse Hotline
 - Child Welfare Information & Receptionist: #3
 - Law Enforcement: #4
 - Medical Providers: #5
 - Mandatory Reporter: #6
 - All other callers or the General Public
 - Call back feature

Types of Calls Received at ORCAH

Potential reports of child abuse

Requests for assistance from Child Welfare – Family Support Services

Notifications to Child Welfare

Information involving a setting screened and investigated by the Office of Training, Investigation and Safety (OTIS)

Information involving an open CPS assessment, open Child Welfare case or a certified foster home

Requests for other types of community resource information or referrals

Senate Bill 231: Electronic reporting of child abuse

Improving systems to increase child safety

- **Oregon Child Abuse Hotline (ORCAH)** launched in April 2019 as a telephone-only reporting system.
- ORCAH has matured since its launch and now seeks to include an **electronic reporting option**, a move being made in a growing number of states.

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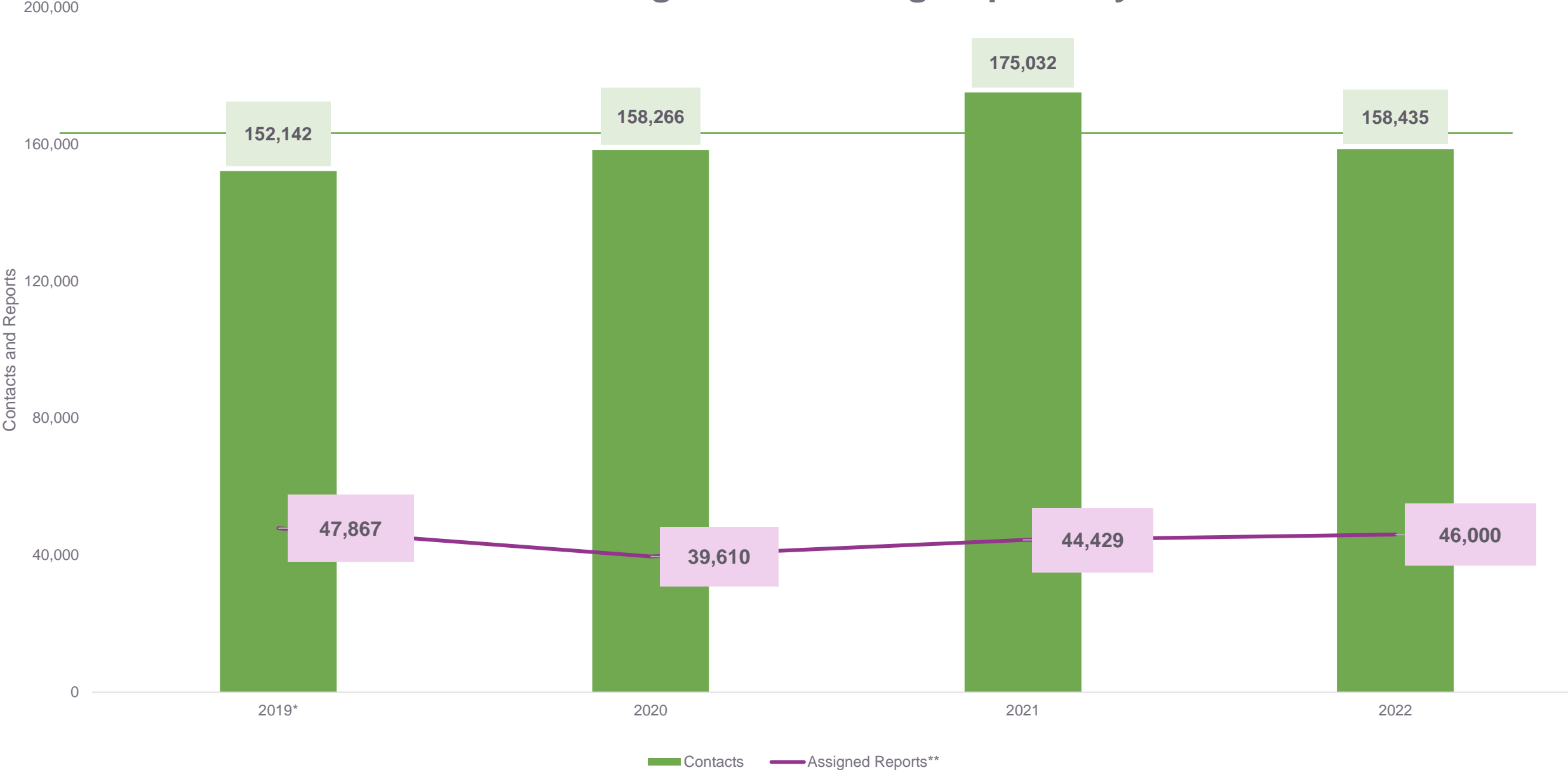
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ORCAH Contacts and Assigned Screening Reports by Year: 2019*- 2022



2022 Documentation

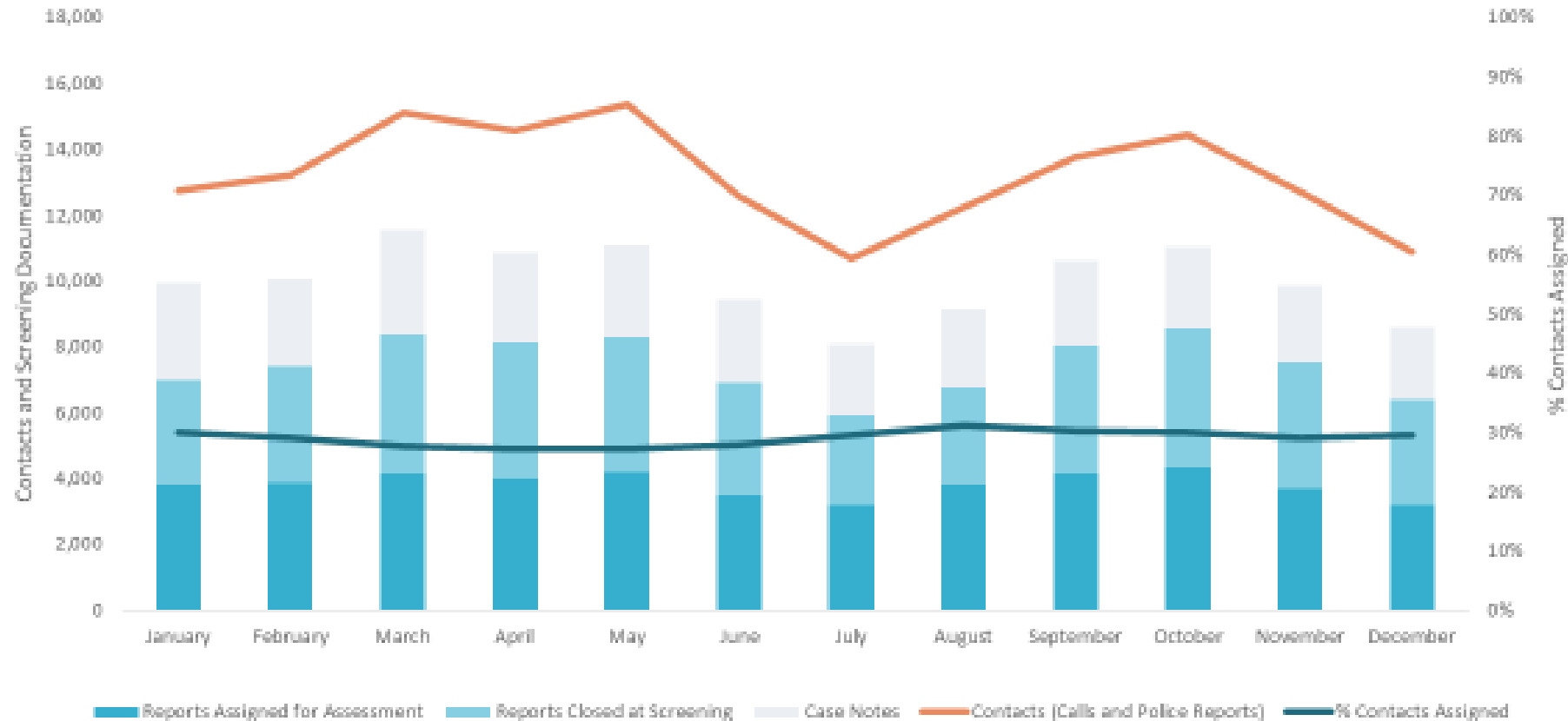
**Total
Contacts
158,435**

**Total
Calls:
135,402**

**Total Police
X-Reports:
23,033**

**Total
Reports:
89,525**

Contacts, Screening Reports and CPS Assignments



**Total
Assigned:
45,997**

**Contacts
Assigned:
29%**

2022 ORCAH Calls

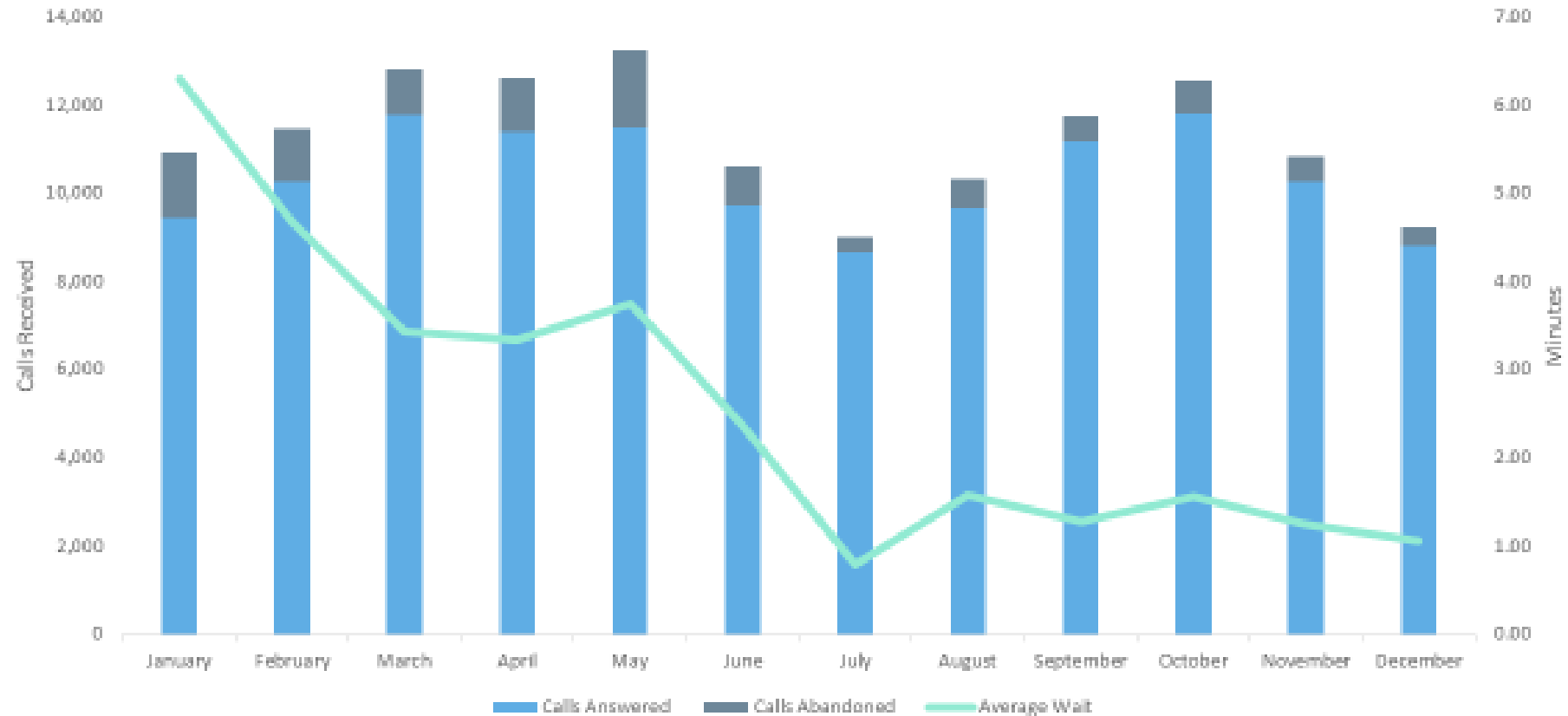
Calls
Received:
135,402

Calls
Answered:
124,396

Service
Level*:
88%

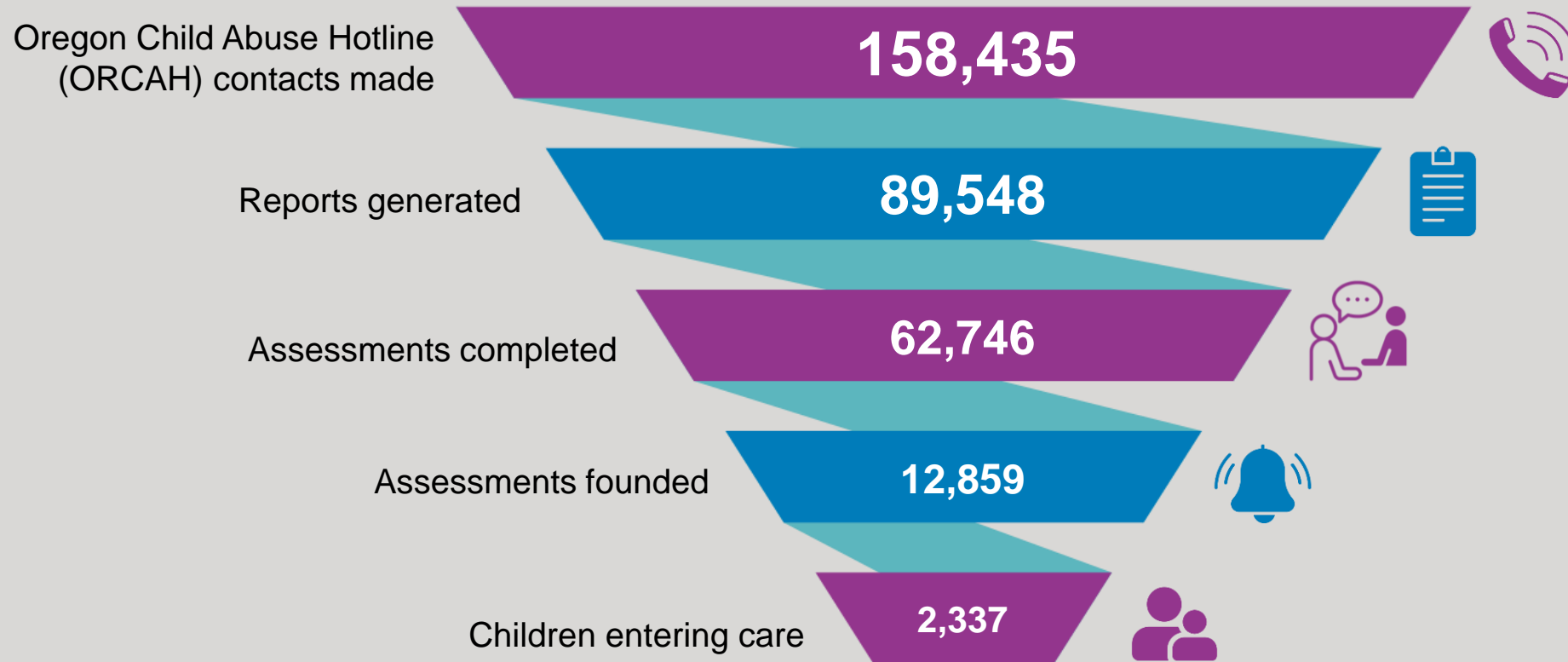
Answer
Rate:
92%

Calls Received and Average Wait Times (in Minutes)



* Service Level is the percentage of calls answered in under 4 minutes

Child Protective Services by the numbers: 2022



Topics for today:

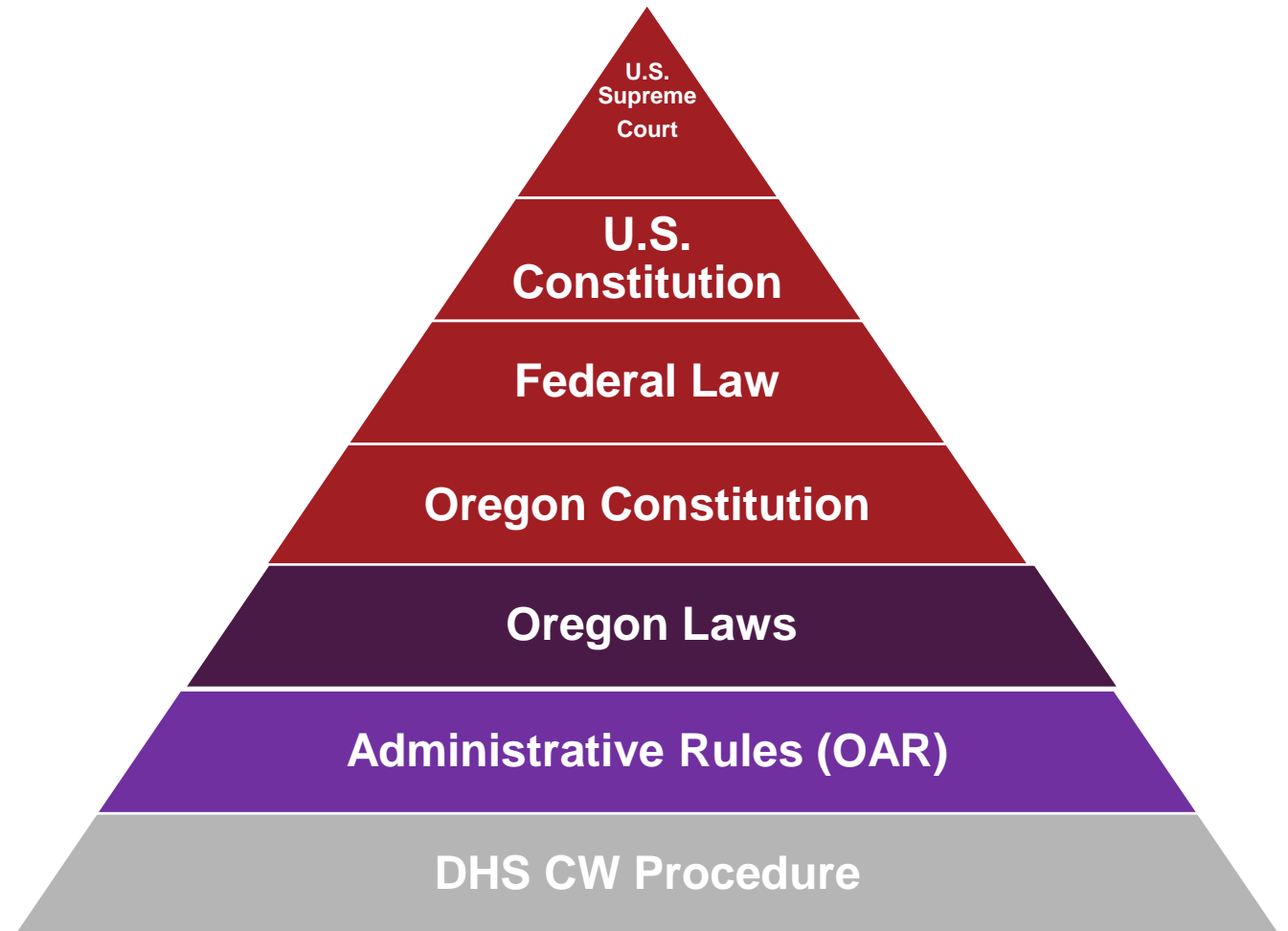
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Is there an allegation of abuse to a child?

Oregon Revised Statutes
ORS 419B.005 and 418.257
are used to define a child
and an abuse allegation.

Oregon Administrative Rule
directs ODHS “what” to do
in accordance with statute.

ODHS’ procedure manual
tells them the “how” of the
work they do.



Child Definition

"Child" means an unmarried person who:

- Is under 18 years of age; or
- A child in care defined by ORS 418.257. *(Effective 9/1/23)*

Child Definition

“Child in care” means a person under 21 years of age who is residing in or receiving care or services from:

- A child-caring agency or proctor foster home
- A certified foster home; or
- A developmental disabilities residential facility.

“Child in care” does not include a person under 21 years of age who is residing in any of the entities listed in paragraph (a) of this subsection when the care provided is in the home of the child by the child’s parent.

Oregon Revised Statute Definitions of Abuse

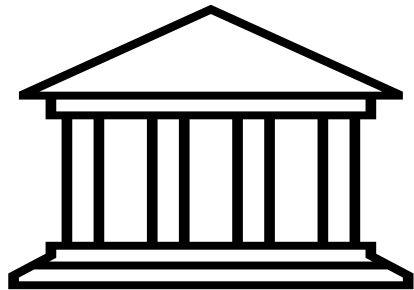
ORS 419B.005



- Assault – as defined by ORS Chapter 163, or any physical injury to a child by non-accidental means
- Mental Injury
- Rape
- Sexual Abuse and Sexual Exploitation
- Neglect
- Threatened harm

Oregon Revised Statute Definitions of Abuse

ORS 419B.005



- Buying or selling a person under 18
- Permitting a child to enter or remain on premises where methamphetamines are manufactured
- Unlawful exposure to a controlled substance, or to the unlawful manufacture of a cannabinoid extract

Oregon Revised Statute Definitions of Abuse

ORS 418.257(1)

***Under the age
of 21 in
care/receiving
services***

- Physical injury/willful infliction of pain
- Wrongful use of physical or chemical restraint
- Involuntary seclusion
- Sexual Abuse
- Verbal Abuse
- Neglect
- Abandonment
- Financial Exploitation

Neglect

- Neglect is the negligent treatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter, supervision, protection, or medical care that is likely to endanger the child's health or welfare.
- Neglect can occur in a single circumstance or over a period of time (circumstantial versus chronic neglect). Circumstantial neglect can be an action or a passive inaction—in other words, an act or omission.

Neglect

Negligent treatment or maltreatment of a child, including but not limited to:

- Failure to provide for child's basic needs (clothing, food, hygiene, living conditions, etc.)
- Lack of supervision (consider age, cognitive ability, physical condition)
- Lack of protection (does not intervene on child's behalf)
- Medical neglect
- Access or exposure to a harmful substance
- Child selling
- Abandonment

Neglect vs. Poverty

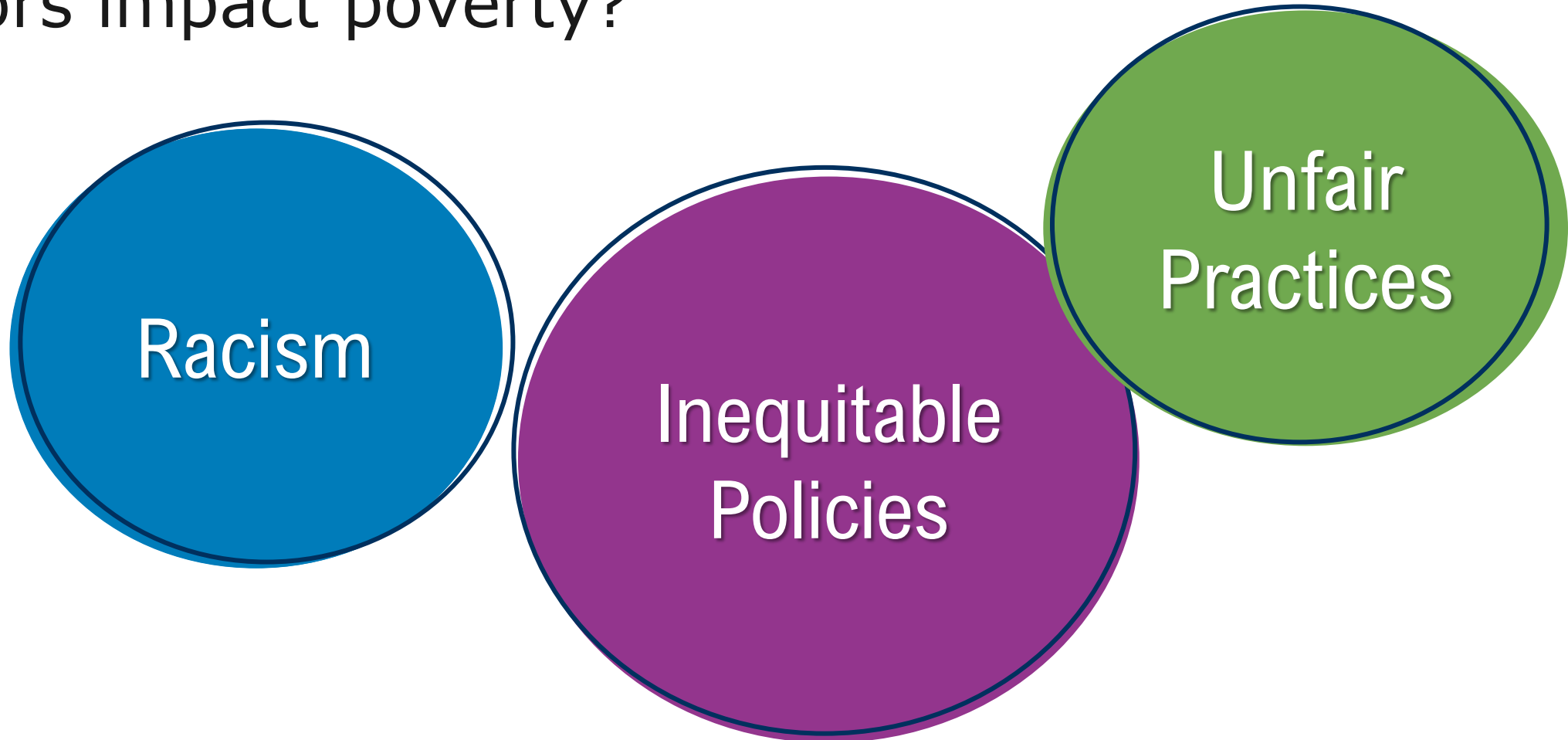
Poverty in itself is not neglect. It is a risk factor that adds stress to families. Families may have limited access to:

- Housing
- Treatment services
- Transportation
- And other community supports



Neglect vs. Poverty

What factors impact poverty?



Physical Abuse

- Physical Abuse is any assault of a child and any physical injury to a child which has been caused by other than accidental means, that results in harm, including any injury which appears to be at variance with the explanation given for the injury.
- Physical abuse may also include injury that is a result of discipline or punishment.

Physical Abuse

- Alleged perpetrator intentionally, knowingly, or recklessly caused or reasonably could have caused physical injury
- Injury that is unexplained or at variance with given explanation
- Torture or cruel treatment
- Medical abuse

Is spanking child abuse?



It depends

Spanking, if it is reasonable, is not abuse when ORS 419B.005 is applied.

Consider the following:

- Child's age, development, and vulnerability;
- Location of the injury; and
- Severity of injury.

What about children who are “In care”?

- When a child is “In care” with an ODHS resource parent or Child Caring Agency, physical abuse or willful infliction of physical pain, even when there is no injury, is a required report and meets the definition of abuse under ORS 418.257.
- Corporal punishment is not allowed in homes licensed or certified by ODHS.

Sexual Abuse or Sexual Exploitation

- Sexual abuse includes rape, sodomy, unlawful sexual penetration, incest, fondling, or voyeurism
- Any sexual contact; touching of intimate parts of a child
- Contributing to the sexual delinquency and any other contact that allows, employs, authorizes, permits, induces or encourages exhibition that depicts sexually explicit conduct or contact involving a child

Children Engaging in Sexual Contact

Sexual contact between children does not require a report when the individuals are:

- Of the same or similar age
- Similar social and emotional development
- The contact is NOT characterized by manipulation, force, intimidation, implied threats, coercion or a power differential

Mental Injury

- Mental injury includes cruel or unconscionable acts or statements made, or threatened to be made, to a *child* if the acts, statements or threats result in severe harm to the *child's* psychological, cognitive, emotional, or social well-being and functioning.

(SB 93, revisions underway to include the language above)

Threat of Harm

Threat of harm to a child means subjecting a child to a substantial risk of harm to the child's health or welfare.

Includes threats related to:

- Physical abuse
- Sexual abuse or exploitation
- Neglect
- Domestic violence

Federal Law: Child Abuse Prevention & Treatment Act

- 42 USC 5101 et seq.
- **States must have:**
 - Procedures for reporting known or suspected instances of child abuse or neglect.
 - Provisions for immunity of persons who report known or suspected child abuse or neglect.
 - Methods to preserve confidentiality of child abuse & neglect records.
- **Purpose:**
 - Early detection of abuse;
 - Intervention to protect abused children; and
 - Prevention of further abuse.

Duty of Officials to Report Child Abuse

ORS 419B.010(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.



Elements of Duty to Report

- Public or Private Official
- Reasonable cause to believe
- Contact
 - With a child who has suffered abuse; or
 - With a person who has abused a child
- Report

Elements of Duty to Report

Reasonable Cause to Believe

- Not defined in statute.
 - Same term used in child abuse reporting statutes, other statutes and rules.
 - Not as high as probable cause.
 - Legislature used term reasonable, not probable, indicates intent to mean something different.
- Reasonable grounds to believe” is different from and less than probable cause. State v. Gulley, 324 Or 57, 921 P2d 396 (1996).
 - Compare to “reasonable suspicion” in DHS rules; does not rise to level of probable cause. Berger v. SOSCF, 195 Or App 587, 98 P3d 1127 (2004).

Exception to Reporting Duty

- If the public or private official reasonably believes that the information is already known by a law enforcement agency or the Department of Human Services.
- An attorney is not required to make a report under this section by reason of information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client.
- *Cont.*

Exception to Reporting Duty

- Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6) affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member of the clergy, attorney or guardian ad litem appointed under ORS 419B.231 is not required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295 or 419B.234 (6).

Confidentiality of Reports

- ORS 419B.035: Reports and records compiled under the provisions of ORS 419B.010 to ORS 419B.050 are confidential and are not available for public inspection.
- The name, address and other identifying information regarding the person who made the report is confidential and may not be disclosed.



Notice to Person Making Report

Under ORS 419B.020 (9), ODHS is required to provide the following:

If the person who made the report of child abuse provided contact information to the department, the department shall notify the person about:

- Whether contact with the child was made,
- Whether the department determined that child abuse occurred, and
- Whether services will be provided

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ODHS Response

- The Oregon Department of Human Service’s (ODHS) implemented changes required by the passage of Senate Bill 155, which expanded ODHS responsibilities to investigate all reports of child abuse by any perpetrator.

Child Welfare will assess reports of child abuse involving:	OTIS will investigate reports of child abuse involving:
Familial alleged perpetrators	Child caring agencies (CCAs)
CW certified resource families	Child care providers
Minors as alleged perpetrators	ODDS group or foster homes
Commercial Sexual Exploitation of Children	OYA foster homes
Third party intimate partner alleged perpetrators	School or educational providers
Third party relative alleged perpetrators	Other third party alleged perpetrators

Screening Decision-Making

As screeners conclude the screening interview, they must make two critical decisions regarding the information received and whether it requires further child welfare intervention:

Screening Decision:

The screener must determine if the reported information meets the criteria to assign for CPS assessment.

Response Timeline Decision:

The screener must then determine if the reported information indicates a 24-hour response, a 10-business day timeline or a 72-Hour response.

Criteria to Assign

ORCAH is required to assign a report if the following criteria are met:

There is a child.

A child is
defined as a
person under 18

OR

A child in care defined by
ORS 418.257.
(Effective 9/1/23)

Criteria to Assign

ORCAH is required to assign a report if the following criteria are met:

There is an allegation of abuse.

Abuse allegations include:

- Physical abuse
- Threat of Harm
- Neglect
- Sexual abuse
- Mental injury

Allegations applicable to a child or young adult living in a Child Welfare–certified resource home:

- Verbal abuse
- Abandonment
- Involuntary seclusion
- Neglect
- Physical abuse or willful infliction of physical pain
- Financial Exploitation
- Wrongful use of restraint
- Sexual harassment or coercive contact

Additional Considerations

- Oregon Tribal Nations have independent programs and services
- Child Welfare may have limited or no authority when reports involve members of:
 - Burns Paiute Tribe
 - Confederated Tribes of Warm Springs



Response Timeline Decision-Making



Closed at Screening

The screener must close the report at screening if one of the following subsections applies:

- Does not constitute a report of abuse and the screener determines that the information describes behaviors, conditions, or circumstances that pose a risk to a child; or
- Is a historical report of abuse and the screener determines that alleged perpetrator is deceased, and the death of the alleged perpetrator was unrelated to the report of abuse.
- Is a report of abuse and the information indicates the alleged abuse occurred in another country and the alleged perpetrator is located in another country; or
- Alleged perpetrator is a child and resides in another state
- Child is a resident of another state.
- Child is resident of both Oregon and another state, and the other state is responding.
- Is a notification described in OAR 413-015-0214, “Notifications Closed at Screening”.
- When a *report* is received, but the *screener*, after extensive efforts, is unable to obtain sufficient information to locate the alleged victim.

Cross Reporting Requirements ORS 419B.015

- When a report of alleged child abuse is received by the department, the department shall notify a law enforcement agency ***within the county where the alleged abuse occurred*** or, if that county is unknown, the county where the child resides or, if that county is unknown, the county where the reporter came into contact with the child or the alleged perpetrator of the abuse.
- When a report of alleged child abuse is received by a law enforcement agency, the agency shall notify the department by making a report of the alleged child abuse to the child abuse reporting hotline.

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Personal Biases in Identifying Child Abuse

Good
parenting

Children's rights

Parent and
caregiver
reactions

Culture describes a social system of meaning and customs a group of people developed to ensure its adaptation and survival.

Cultures are distinguished by a set of unspoken rules that shape *values, beliefs, habits, patterns of thinking, behaviors, and styles of communication.*

When considering whether to make a report, consider what you've observed in relation to the *family culture.*

While it is **not** the role of reporter to investigate, it is important to ask yourself key **questions** such as

“What is the impact of the caregiver’s action or inaction on the child?”

and

“Is the child in danger of being harmed?”

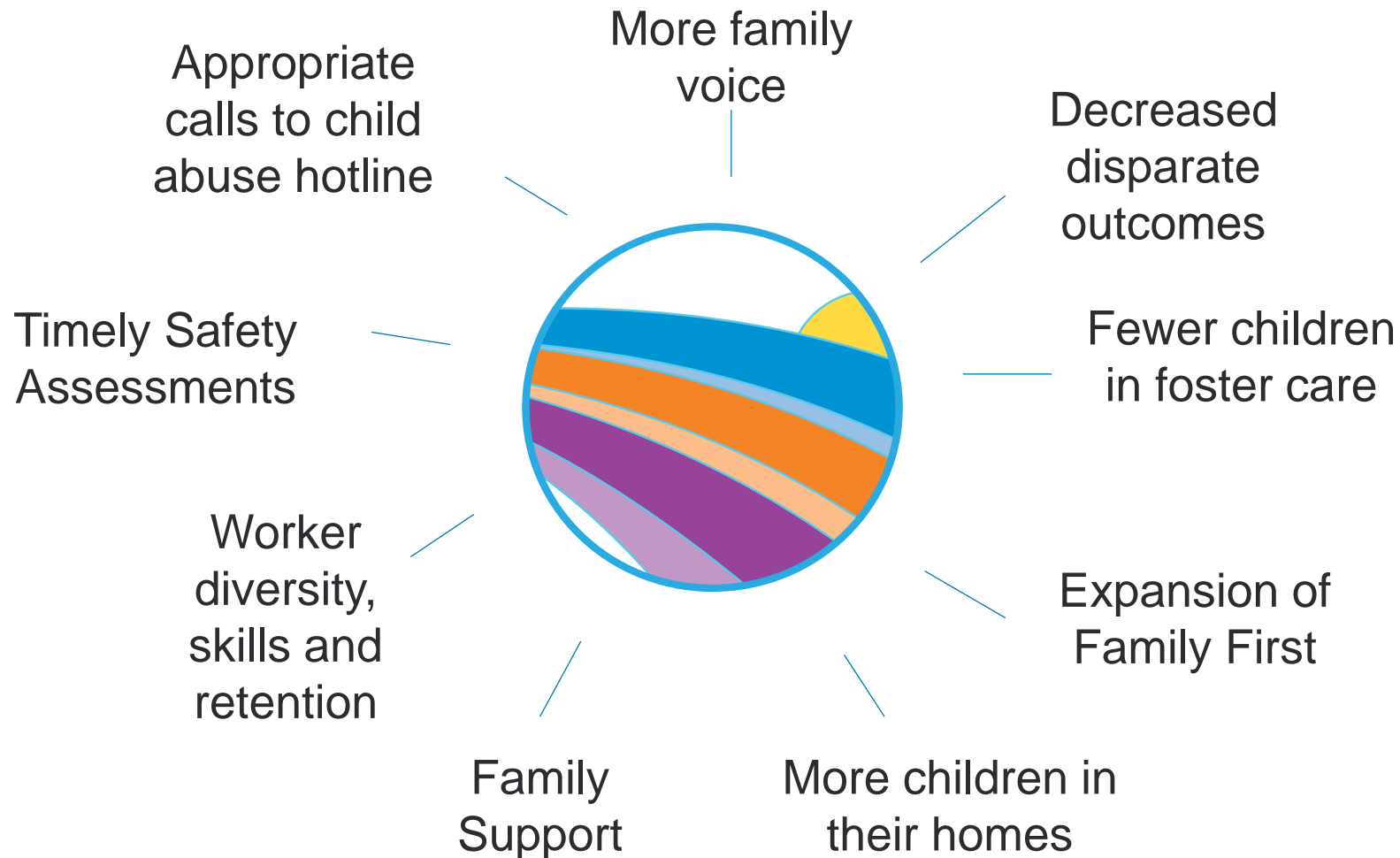
If not, consider whether the family would **benefit** instead from **resources and support.**

What if there isn't a risk of substantial harm to the child and a report isn't required?

It may be helpful to ask and understand:

- Does this family have the resources to provide the care and protection they want to provide?
- What strengths exist within this caregiving system?

Vision for Transformation Impacts and Outcomes



Accomplishments



Workforce of 250 operation and program staff



Workforce turnover at a low rate of 3%



Improved service level and access with multiple call queues



Infrastructure supports performance management and accountability



Enhanced customer service through feedback system with quick response time.



Increased Data Analytics and Literacy



Continuous Quality Improvement & Training Program

Oregon Child Abuse Hotline (ORCAH)

1-855-503-SAFE (7233)

Please consider providing your feedback or asking your questions by sending them to:

Feedback.OregonChildAbuseHotline@dhsosha.state.or.us

