

## Mandatory abuse reporting notice - Adults with developmental disabilities Adults with mental illness Children

As an employee of Catholic Community Services or Integrated Services Network, an agency serving **adults** who are mentally ill or developmentally disabled, a community mental health and developmental disabilities program, and drug treatment program, you are a “mandatory reporter” according to Oregon law (ORS 430.765 & ORS 419B.010). According to the law, if you have reasonable cause to believe that an adult who is mentally ill or developmentally disabled has suffered abuse or that any person with whom you contact during your official capacity has abused such an adult, you must **immediately** report the following kinds of abuse to the local county mental health program, local law enforcement agency (police department, sheriff’s office, Oregon State Police or any district attorney) and then report it to your employer or supervisor:

As an employee serving adults who are mentally ill or developmentally disabled, you are required to sign the form provided by the Department of Human Services. This form provides the complete definition of terms for these protected individuals.

If you ask, your identity as the person making the report will be treated as confidential information when you call.

You must also **immediately** report to your supervisor or the local community mental health program:

If you have reasonable cause to believe that an adult who is mentally ill or developmentally disabled has suffered neglect, verbal mistreatment or financial exploitation.

According to the law, if you have reasonable cause to believe that a **child** (under age 18) has suffered abuse or that any person with whom you are in contact has abused a child, you must **immediately** report the following kinds of abuse to the local child welfare office, local law enforcement agency (police department, sheriff’s office, Oregon State Police, or any district attorney) and then report it to your employer or supervisor (if in the scope of your employment):

1. Mental Injury. Any mental injury to a child, which shall include only observable and substantial impairment of the child’s mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child
2. Neglect. (i) Negligent treatment or maltreatment of a child, including, but not limited to, the failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the health or welfare of the child. (ii) Buying or selling a person under 18 years of age as described in ORS 163.537. (iii) Permitting a person less than 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured. (iv) 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 or safety
3. Physical Abuse. Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury; **Willful infliction of physical pain or injury;**
4. Threat of harm to a child, which means subjecting a child to a substantial risk of harm to the child’s health or welfare.
5. Sexual Abuse. (i) Rape of a child, which includes, but is not limited to, rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163. (ii) Sexual abuse, as described in ORS chapter 163. (iii) Sexual exploitation, including, but not limited to: (I) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording, or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and (II) Allowing, permitting, encouraging, or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008. Sexual harassment, sexual exploitation as described in ORS 419B.005(1)(a)(E), or inappropriate exposure to sexually explicit material or language; (ii) Any sexual contact between a child or young adult and an employee of a child-caring agency, proctor foster home, ODDS licensed group home, caregiver, proctor foster parent, or other person responsible for the provision of care or services to a child or young adult; (iii) Any sexual contact between a person and child or young adult that is unlawful under ORS chapter 163 and not subject to a defense under that chapter; or (iv) Any sexual contact that is achieved through force, trickery, threat, or coercion. (v) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.467, or 163.525.
6. Abandonment, including desertion or willful forsaking of a child or young adult, or the withdrawal or neglect of duties and obligations owed a child or young adult by a child-caring agency, proctor foster parent, caregiver, ODDS licensed group home, other person, or an employee, volunteer, or contractor of a child-caring agency or ODDS licensed group home.
7. Financial exploitation. (i) Financial exploitation includes:(I) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child or young adult; Alarming a child or young adult by conveying a threat to wrongfully take or appropriate moneys or property of the child or young adult if the child would reasonably believe that the threat conveyed would be carried out. (III) Misappropriating, misusing, or transferring without authorization any moneys from any account held jointly or singly by a child or young adult. (IV) Failing to use the income or assets of a child or young adult effectively for the support and maintenance of the child or young adult. (ii) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges
8. Neglect that lead to physical harm through withholding of services necessary to maintain health and well-being.
9. Involuntary seclusion. Involuntary seclusion means confinement of a child or young adult alone in a room from which the child or young adult is physically prevented from leaving. (i) Involuntary seclusion includes:(I) Involuntary seclusion of a child or young adult for the convenience of a

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child-caring agency, proctor foster parent, caregiver, ODDS licensed group home, or an employee, volunteer, or contractor of a child-caring agency or ODDS licensed group home; or (II) Involuntary seclusion of a child or young adult to discipline the child or young adult. (ii) Involuntary seclusion does not include age appropriate discipline, including, but not limited to, a time-out.

10. Verbal abuse. (i) Verbal abuse includes threatening severe harm, either physical or emotional, to a child or young adult, through the use of: (I) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or (II) Harassment, coercion, threats, compelling or deterring conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments. (ii) Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.
11. Wrongful use of a physical or chemical restraint of a child or young adult, 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. (i) "Physical restraint" means the act of restricting a child's or young adult's voluntary movement as an emergency measure in order to manage and protect the child or young adult or others from injury when no alternate actions are sufficient to manage the child's or young adult's behavior. "Physical restraint" does not include temporarily holding a child or young adult to assist him or her or assure his or her safety, such as preventing a child or young adult from running onto a busy street. (ii) "Chemical restraint" means the administration of medication for the management of uncontrolled behavior. "Chemical restraint" is different from the use of medication for treatment of symptoms of severe emotional disturbances or disorders

If you ask, your identity as the person making the report will be treated as confidential information when you call.

The law also protects you and the adult who may have been abused from retaliation when you make a report in good faith. You may not be discharged or transferred from one location of an agency to another (except for clinical reasons), terminated from your job, demoted or have your pay lowered, or denied contact with the facility or its residents because you made a good faith report of suspected abuse.

If you feel you have been retaliated against, you have the right to seek private legal action. Any agency, program, or person who retaliates against someone because of a good faith report of suspected abuse or neglect may be liable for damages.

By signing this form, you are saying you understand the information on the form. If you do not understand the information, ask to have the form explained to you before you sign it. You will be asked to sign this form every year you work for the agency. This form will become a part of your personnel record.

**Employee Acknowledgment**

I have received training by this organization about what abuse and neglect means.

\_\_\_\_\_  
Print your name here

\_\_\_\_\_  
Sign your name here

\_\_\_\_\_  
Today's Date

## Mandatory Abuse Reporting Notice: Adults with Developmental Disabilities Adults with Mental Illness To report abuse call 1-855-503 SAFE (7233)

As an individual providing service to adults with developmental disabilities, you are a **Mandatory Reporter** according to Oregon law (ORS 430.765). According to the law, if you have reasonable cause to believe an adult with developmental disabilities who is receiving services has been abused, or that any person with whom you come in contact in your job has abused such an adult, you must immediately report the abuse to the Community Developmental Disability Program and to a local law enforcement agency when there is reason to believe a crime was committed. When applicable, you should also follow your agency policies and procedures so that immediate steps are taken to protect the victim of the abuse.

**Abuse of an Adult with Developmental Disabilities and/or mental illness means:**

1. **Abandonment** including desertion or willful forsaking of an adult or the withdrawal or neglect of duties and obligations owed an adult by a caregiver or other person.
2. **Death of an adult** caused by other than accidental or natural means or occurring in unusual circumstances.
3. **Financial exploitation** including:
  - Wrongfully taking the assets, funds, or property belonging to or intended for the use of an adult.
  - Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out
  - Misappropriating, misusing, or transferring without authorization any money from any account held jointly or singly by an adult.
  - Failing to use the income or assets of an adult effectively for the support and maintenance of the adult. "Effectively" means use of income or assets for the benefit of the adult.
4. **Involuntary seclusion** means the involuntary seclusion of an adult for the convenience of a caregiver or to discipline the adult. Involuntary seclusion may include placing restrictions on an adult's freedom of movement by restriction to his or her room or a specific area, or restriction from access to ordinarily accessible areas of the facility, residence, or program, unless agreed to by the Individual Support Plan (ISP) team included in an approved Behavior Support Plan (BSP) or included in a brokerage plan's specialized support. Restriction may be permitted on an emergency or short term basis when an adult's presence would pose a risk to health or safety.

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**5. Neglect** including:

Active or passive failure to provide the care, supervision, or services necessary to maintain the physical and mental health of an adult that may result in physical harm or significant emotional harm to an adult. Services include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of the adult

Failure of a caregiver to make a reasonable effort to protect an adult from abuse. Withholding of services necessary to maintain the health and well-being of an adult which leads to physical harm of an adult.

**6. Physical abuse:**

Any physical injury by other than accidental means or that appears to be at variance with the explanation given for the injury. Willful infliction of physical pain or injury.

Physical abuse is presumed to cause physical injury, including pain, to adults otherwise incapable of expressing pain.

**7. Sexual abuse** including: Criminal code sexual offenses, or sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315. Sexual harassment, sexual exploitation, or inappropriate exposure to sexually explicit material or language including requests for sexual favors. Sexual harassment or exploitation includes but is not limited to any sexual contact or failure to discourage sexual contact between an employee of a community facility or community program, provider, or other caregiver and an adult. For situations other than those involving an employee, provider, or other caregiver and an adult, sexual harassment or exploitation means unwelcome physical sexual contact and other physical conduct directed toward an adult. Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver. Sexual abuse does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse or partner of the adult. Any sexual contact that is achieved through force, trickery, threat, or coercion. Any sexual contact between an adult with a developmental disability and a relative of the person with a developmental disability other than a spouse or partner. "Relative" means a parent, grandparent, children, brother, sister, uncle, aunt, niece, nephew, half-brother, half-sister, stepparent, or stepchild. As defined in ORS 163.305, "sexual contact" means any touching of the sexual or other intimate parts of a 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.

**8. Wrongful restraint:**

A wrongful use of a physical or chemical restraint, excluding an act of restraint prescribed by a licensed physician, by any adult support team approved plan, or in connection with a court order. Wrongful restraint does not include physical emergency restraint to prevent immediate injury to an adult who is in danger of physically harming himself or herself or others, provided only that the degree of force reasonably necessary for protection is used for the least amount of time necessary.

**9. Verbal abuse** includes threatening significant physical or emotional harm to an adult through the use of: Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule.

Harassment, coercion, punishment, deprivation, threats, implied threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments. A threat to withhold services or supports, including an implied or direct threat of termination of services. "Services" include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of an adult. For purposes of this section, verbal conduct includes but is not limited to the use of oral, written, or gestured communication that is directed to an adult or within their hearing distance, or sight if gestured, regardless of their ability to comprehend. In this circumstance the assessment of the conduct is based on a reasonable person standard. The emotional harm that can result from verbal abuse may include but is not limited to anguish, distress, or fear. An adult who in good faith is voluntarily under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner shall for this reason alone not be considered subjected to abuse.

Pursuant to the law, your identity as the person making the report is confidential. Further, the law protects you from retaliation from a community facility, community program or individual when you make a report in good faith. You may not be discharged or transferred from one location of an agency to another, terminated from your job, demoted or have your pay lowered, or denied contact with the facility or its residents because you made a good faith report of suspected abuse. If you feel you have been retaliated against, you have the right to seek private legal action. Any agency, program or individual who retaliates against someone because of a good faith report of suspected abuse may be liable to that person for actual damages.

***By signing this form, you are acknowledging that you understand the Oregon's mandatory abuse reporting requirements concerning adults with developmentally disabilities. If you do not understand the mandatory abuse reporting requirements, ask to have them explained to you before signing this form.***

I received and read this notice about my mandatory abuse reporting obligations.

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Print your name here

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Sign your name here

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Today's Date

***Please return this signed form to [training@ccswv.org](mailto:training@ccswv.org) or faxing it to 971-239-5997.***