

O.R.S. § 419B.010



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West's Oregon Revised Statutes Annotated [Currentness](#)

Title 34. Human Services; Juvenile Code; Corrections

[Chapter 419B](#). Juvenile Code: Dependency ([Refs & Annos](#))

[Child Abuse Reports](#)

**→419B.010. Duty of officials to report child abuse; exception; violations**

(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](#). Nothing contained in [ORS 40.225](#) to [40.295](#) shall affect the duty to report imposed by this section, except that a psychiatrist, psychologist, member of the clergy or attorney shall not be required to report such information communicated by a person if the communication is privileged under [ORS 40.225](#) to [40.295](#). 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.

(2) Notwithstanding subsection (1) of this section, a report need not be made under this section if the public or private official acquires information relating to abuse by reason of a report made under this section, or by reason of a proceeding arising out of a report made under this section, and the public or private official reasonably believes that the information is already known by a law enforcement agency or the Department of Human Services.

(3) A person who violates subsection (1) of this section commits a Class A violation. Prosecution under this subsection shall be commenced at any time within 18 months after commission of the offense.

[Laws 1993, c. 546, § 14](#); [Laws 1999, c. 1051, § 180](#); [Laws 2001, c. 104, § 149](#); [Laws 2001, c. 904, § 15](#).

#### HISTORICAL AND STATUTORY NOTES

##### 2003 Main Volume

The 1999 amendment rewrote the first sentence of subsec. (2) which formerly provided: "A person who violates subsection (1) of this section commits a violation punishable by a fine not exceeding \$1,000."

Laws 2001, c. 104 was a correction bill.

Laws 2001, c. 904 added the second sentence to subsec. (1), inserted a new subsec. (2) and redesignated former subsec. (2) as subsec. (3).

#### CROSS REFERENCES

Courts of record, mandatory training for attorneys on duties relating to reporting child abuse, see [ORS 9.114](#).

Executive branch, disclosure or release of patient records by provider, see [ORS 179.505](#).

Human services, child welfare services, training, education and notice for investigators and others required to report child abuse, see [ORS 418.749](#).

O.R.S. § 419B.010

Occupations and professions, clinical social workers, confidentiality of communication by client, exceptions, see [ORS 675.580](#).

Remedies, special actions and proceedings, exceptions to confidentiality of mediation communications and agreements, see [ORS 36.220](#).

#### LAW REVIEW AND JOURNAL COMMENTARIES

Child Abuse Reporting Training. Sylvia Stevens, 60 Or. St. Bar Bull. 4 (Jan. 2000).

#### LIBRARY REFERENCES

2003 Main Volume

#### Key Numbers

Infants  131.

Westlaw Key Number Search: 211k131.

#### Encyclopedias

[C.J.S. Infants § § 31, 33, 42, 50 to 51, 53 to 54](#).

#### RESEARCH REFERENCES

2004 Electronic Pocket Part Update


#### Treatises and Practice Aids

[Oregon Law and Practice Evidence § 40.252:1](#), Practice Commentary.

#### NOTES OF DECISIONS

##### **In general 1**

##### 1. In general

The legislative choice to exempt a psychotherapist from reporting a patient's disclosures about engaging in possible child abuse is not irreconcilable with the legislative choice to abrogate the privilege for those same communications in a child abuse prosecution. [State ex rel. Juvenile Dept. of Multnomah County v. Spencer \(2005\) 108 P.3d 1189, 198 Or.App. 599](#). Witnesses  214.5

O. R. S. § 419B.010, OR ST § 419B.010

Current through end of the 2003 Reg. Sess.

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