

Mandatory reporting bill closer to passing

Natalie Pate
Salem Statesman Journal
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Teachers may no longer be required to report sexual activity between teenagers under a bill that a legislative committee sent to the full Senate Feb. 6.

Under current law, school staff and other mandatory reporters have to report any sexual activity — from kissing to intercourse — involving someone under the age of 18. The report must be filed with law enforcement or the Oregon Department of Human Services.

The purpose is to identify and protect children from abuse. But the strict interpretation, brought to light in a Salem-Keizer Public Schools staff training last year, was met with scrutiny by many concerned this cuts off communication between students and trusted adults.

Opponents also feared it would put mandatory reporters in a difficult position, making them more likely to be punished for not reporting something they saw as consensual.

Sen. Sara Gelser, D-Corvallis, and Rep. Bill Post, R-Keizer, sought to quell these concerns with Senate Bill 1540.

The bill clarifies a report does not have to be made for sexual activity between 14- to 21-year-olds who are within three years of each other.

However, reports are still required if there is any suspicion of abuse, harassment, force or coercion, regardless of age.

The bill was expected to move through and pass easily, especially with bipartisan and bicameral support with the co-sponsors.

But it met opposition this week when an amendment expanding the lower age bracket down from 14 to 12 was introduced.

Gelser said the proposed amendment to 12 years of age aligned with current practice across the state. Keeping it at 14 would require major policy and practice change for all medical professionals across the state, she said, based on regulations going back 20 years.

Various health care practitioners gave testimony at the hearing, including officials from the Oregon Medical Association, supporting Gelser's argument.

"In our effort to create legislation that keeps us at the status quo of where we have always been," Gelser said, "that number would be 12."

"If it's 14, every healthcare practitioner, therapist, counselor, psychiatrist will have to change their practice and their training," she said. "And it raises questions about unintended consequences."

Gelser acknowledged the concerns, saying she, herself, was worried when it was first brought to her attention last week. However, she eventually came to the same conclusion.

"The argument is not that the Legislature ... thinks 12-year-olds should be having sex," Gelser said.

"Do I personally believe that if two 12-year-olds are engaged in sexual activity there should be a conversation with an adult? Absolutely," she said. "But do I believe that conversation should come with a knock on the door from a police officer if there was no abuse? I don't."

She reiterated that mandatory reporters can and should continue to report, regardless of age, if there is suspicion of abuse.

"You can always report," she said. "Anytime you are concerned, you should report."

Post, whose wife is a special education teacher in Salem-Keizer, was opposed to the amendment but continued to support the bill.

"I wish all young people would refrain from sex at that age," he said, "but if not, I want them to have someone to talk to and I don't want that person's job on the line."



Sen. Sara Gelser, D-Corvallis, listens to one of her peers speak in the Senate Chamber at the Oregon Capitol Building in Salem, Oregon, Wednesday, Nov. 15, 2017. CONNOR RADNOVICH / STATESMAN JOURNAL



Rep. Bill Post

While Post said "his heart just doesn't like (the amendment)," he continued to support the bill because "his constituents need (it)."

"I want to do what's right for those kids and the teachers," he said.

A representative from the Oregon District Attorney's Association argued the amendment made the bill too broad and expressed concern that this would limit the number of reports they receive — something that is invaluable in detecting and preventing abuse.

"I think we can all agree we need to do a better job of recognizing and protecting kids from abuse," said Brendan Murphy, a deputy district attorney for Marion County.

Murphy said mandatory reporting is often incorrectly seen as something that will immediately result in criminal charges.

Instead, he said they should be seen as a "snapshot of information used to assess if kids are safe, whether that be a school response (or) DHS response or criminal investigation."

"When child abuse occurs, child safety experts only get snapshots or pieces of information to put that puzzle together," he said. "Experts need as many puzzle pieces as possible to see the picture, and get it right."

Murphy argued the ball has historically been dropped in protecting college gymnasts, kids in football camps and altar boys in Catholic churches. And he said that any sexual activity of children 12 and 13 years old concerns him.

"We need all the help we can get," he said. Sen. Dennis Linthicum, R-Klamath Falls, voted against the age-range amendment.

The overall bill, including both amendments, was approved unanimously with one absence and sent to the Senate floor.

Kimberly Schott, a junior at McNary High School in Keizer, was one of the leading forces behind the initial bill.

After hearing about the requirement from a teacher, Schott became concerned this would limit students' abilities to speak with trusted adults, especially students who couldn't talk about the topic with their families.

So Schott took action. She and other students started an online petition and held a small protest outside

the Capitol in October. They met with Post and Gelser in the fall, looking for answers.

Now, more than 4,500 people have signed the petition and the bill is moving forward.

"It's really cool," Schott said. "It shows how far ... a high school student can get. It shows all the people who said I couldn't make a difference — it shows they were wrong."

However, after hearing about the age-range amendment, Schott had a lot of reservations.

"That could put students at risk and that's not what I'm fighting for," she told the Statesman Journal. "I feel like that would make it easier for 12-year-olds to be abused."

Schott said she wanted to voice her concern about the amendment since "it could turn south" and her "name is behind it."

As for the district, Lillian Govus, a spokeswoman for Salem-Keizer, said, "Our role is to comply with the law as it is written." No district staff spoke on the bill at the hearing Tuesday.

"If there are legislative changes, we'll work with the (district attorney) to ensure that we are in full compliance," she said, "just as we've done in the past."

Contact Natalie Pate at npate@statesmanjournal.com, 503-399-6745, or follow her on Twitter @NataliePate or on Facebook at www.facebook.com/nataliepatejournalist.

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