

Basics of Child Abuse

(Adapted from: DHS Definitions of Type of Child Abuse; Reference Document for Child Caring Agencies and Proctor Foster Homes)

Q: What is Child Abuse?

A: Oregon law recognizes two sets of definitions for abuse. One for all children and one for children in a child-caring agency or a proctor foster home (from ORS 416B.005):

ALL CHILDREN

Neglect: 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.

Signs: Children often:

- Don't want to leave school or go home from a friend or neighbor's house
- Are constantly tired, hungry, or not properly clothed
- Have poor hygiene
- Are left alone with no supervision
- Have physical, emotional, developmental or medical needs that are not being met

Physical Abuse: any assault 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. "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in paragraph "a" of this subsection.

Signs: Injuries may:

- Be in the shape of the article used (belt, electric cord), or body part (hand or boot print)
- Not match the child's or adult's description of how the injury occurred (ex: fracture from falling off the couch)
- Not match the child's level of mobility (bruises on a child not yet walking)

Child Sexual Abuse: includes any sexual contact between an adult (18 or older) and a minor (younger than 18) or between two minors, when one exerts power over the other. Sexual contact between minors is abuse when physical or psychological coercion is used, or when there is a significant difference in the physical size or developmental levels of the minors, or when there is an age difference of 3 or more years.

Signs: Children who have been sexually abused may have:

- Poor peer relationships, fantasy or infantile behavior, fear of a specific child or adult
- Inappropriate interest in or knowledge of sexual behaviors and terms
- A sexually transmitted infection or pregnancy
- Anxiety, depression, eating disorders, nightmares, substance abuse problems
- Any of the behavioral problems listed under "Mental Injury"
- No obvious signs of abuse at all

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. It is a continuing pattern of rejecting, terrorizing, ignoring, isolating or corrupting a child, resulting in serious damage to the child.

Signs: Children often:

- Have speech or sleep disorders

- Fail to grow normally
- Are very aggressive or withdrawn
- Show an abnormal need for emotional support

Threat of Harm: threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare, including the presence of domestic violence.

Other: the following abuse may be categorized under the Neglect or Threat of Harm abuse types:

- a) 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.
- b) Buying or selling a person under 18 years of age as described in ORS 163.537.
 - a. Sex Trafficking is buying, selling or trading for legal or physical custody of a child, and does not apply to legitimate adoption or domestic relations planning. If you believe you are a victim of a trafficking situation or may have information about a potential trafficking situation, please call
 - i. **National Human Trafficking resource center at 888-373-7888**
 - ii. **Department of Homeland Security at 866-347-2423.**
 - iii. **Local Anti-Trafficking Project (24/7) at 541-382-0934**
- c) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

CHILDREN IN CHILD-CARING AGENCIES OR PROCTOR FOSTER HOMES

Neglect, which includes:

- Failure to provide the care, supervision or services necessary to maintain the physical and mental health of a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home; or
- The failure of a child-caring agency, proctor foster home, caregiver, or other person to make a reasonable effort to protect a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home from abuse.

Physical abuse, which includes:

- Any physical injury to a child or young adult residing in or receiving services from a childcaring agency or a proctor foster home caused by other than accidental means, or which appears to be at variance with the explanation given of the injury; or
- Willful infliction of physical pain or injury upon a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home.
- Involuntary seclusion of a child or young adult residing in or receiving services from a childcaring agency or a proctor foster home for the convenience of a child-caring agency or caregiver or to discipline the child or young adult.
 - "Seclusion" in licensing and BRS rules means that a child in care is involuntarily confined to an area or room and is physically prevented from leaving.

Sexual abuse, which includes:

- Sexual harassment, sexual exploitation or inappropriate exposure to sexually explicit material or language;
- Any sexual contact between a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home and an employee of a child-caring agency, a proctor foster parent, caregiver, or other person responsible for the provision of care or services to such a child or young adult;
- Any sexual contact between a person and a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home that is unlawful under ORS chapter 163;
- Any sexual contact that is achieved through force, trickery, threat, or coercion; or

- An act that constitutes a crime under Oregon statutes

Verbal abuse, which includes:

- Threatening significant physical or emotional harm to a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home
- Through the use of:
 - Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or
 - Harassment, coercion, threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments.
- Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.

A wrongful use of a physical or chemical restraint of a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home, excluding an act of restraint prescribed by a physician and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.

- "Physical restraint" in licensing and BRS rules means the act of restricting a child in care's voluntary movement as an emergency measure in order to manage and protect the child in care or others from injury when no alternate actions are sufficient to manage the child in care's behavior. "Physical restraint" does not include temporarily holding a child in care to assist him or her or assure his or her safety, such as preventing a child in care from running onto a busy street.
- "Chemical restraint" in licensing and BRS rules means the administration of medication for the management of uncontrolled behavior, is prohibited. Chemical restraint is different from the use of medication for treatment of symptoms of severe emotional disturbances or disorders.

Financial exploitation includes:

- Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home;
- Alarming a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home by conveying a threat to wrongfully take or appropriate moneys or property of such a child or young adult if the child or young adult would reasonably believe that the threat conveyed would be carried out;
- Misappropriating, misusing or transferring without authorization any moneys from any account held jointly or singly by a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home; or
- Failing to use the income or assets of a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home effectively for the support and maintenance of such a child or young adult.
- Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges.

Abandonment, which includes:

- Desertion or willful forsaking of a child or young adult residing in or receiving services from a child-caring agency or a proctor foster home or the withdrawal or neglect of duties and obligations owed such a child or young adult by a child-caring agency, caregiver or other person.

Basics of Reporting

(Adapted from http://www.oregon.gov/DHS/abuse/mandatory_report.shtml)

Q: What does reporting mean?

A: All citizens have a responsibility to protect those who cannot protect themselves. Members of the public may report suspected abuse and neglect if they choose.

- DHS Child Welfare will assess the information you provide and will take further action if necessary.
- You may or may not receive follow up information regarding any action taken.
- Your name will be kept confidential and is released only if you are needed as a witness.
- You are immune to prosecution when your report is made in good faith.

Q: Who are mandatory reporters?

A: Mandatory reporters **must report any “reasonable suspicion” of child abuse**, as defined by Oregon law. Suspected or known child abuse must be reported regardless of whether the mandatory reporter is acting in an official capacity when the abuse, or suspicion of abuse, occurs. As a mandatory reporter, failure to report is a crime. Risks include criminal and civil penalties, and/or loss of professional accreditation. Mandatory reporters include:

- All employees of the Oregon Department of Human Services
- Medical personnel
- School and child care personnel (including employees of higher education institutions)
- Law enforcement
- Foster parents
- Psychologists
- Social workers
- For a complete listing go to http://www.oregon.gov/dhs/abuse/pages/mandatory_report.aspx.

Q: What should I do if I suspect a child has been abused, or an adult has abused a child?

A: You can greatly help a child when you trust your instincts and respond with courage. You may be a child's only hope, please don't ignore your instincts.

- In Central Oregon, if you have reasonable suspicion or discover that a child has been abused, call the Oregon Statewide Hotline at **855-503-SAFE** or **911**.
- If a child begins to disclose abuse:
 - Stay calm
 - Ask only open-ended questions/statements such as “Can you tell me what happened...”; “Tell me more...”; OR “And then what happened?”
 - Tell the child that you believe her/him. Tell her it is not the child's fault, and that you will help
 - Assess the safety of the child. If the child does not feel safe going home, report to DHS/Law Enforcement immediately and let them know that the child doesn't feel safe going home.
- Call and make a report to DHS or Law Enforcement