



Definitions of Child Abuse in the State of Oregon

Oregon law defines physical abuse as an injury to a child that is not accidental. Most parents do not intend to hurt their children, but abuse is defined by the effect on the child, not the motivation of the parents.

Abandonment

Abandonment is parental behavior showing intent to permanently give up all rights and claims to a child.

Child Selling

Child selling is buying or trading for legal or physical custody of a child. It does not apply to legitimate adoptions or domestic relations planning.

Domestic Violence

Domestic violence is a pattern of assaultive and/or coercive behaviors including physical, sexual and emotional abuses, as well as economic coercion that adults use against their intimate partners to gain power and control in that relationship. Domestic violence is present in all cultures, socioeconomic classes, communities of faith, etc. The presence of domestic violence is a risk for children. However, not all situation of domestic violence require a report to DHS or law enforcement.

DHS has the authority to intervene with families based on whether a child is being physically abused, sexually abused, neglected, suffering mental injury or is being subjected to an activity or condition likely to result in substantial harm. If you know a child is witnessing repeated or serious domestic violence and you are unsure of the impact on the child, call and consult a CPS screener.

Drug affected babies

Many women do not realize the dangers drug use or addiction can present to children during pregnancy. These dangers can result in a lifetime of problems for children. Any alcohol or drug use by a pregnant woman means a child has been “drug-exposed” during the pregnancy. When drug use creates problems that are apparent at the birth or during the first weeks of a child’s life, the baby is considered “drug-effected”.

Alcohol and drug use during pregnancy is never a good idea. Problems caused by alcohol and drug use may not be apparent at birth but can show up later. They can include a range of issues from major physical problems to mental or behavioral problems that emerge as late as the child’s entry into school.

Many drugs cause low birth weight and small body size, withdrawal symptoms and increased risk of Sudden Infant Death Syndrome (SIDS).

Methamphetamine is the most prevalent and dangerous drug related to child abuse and neglect. Other commonly abused drugs include alcohol, cocaine, marijuana, heroin and other narcotics, and prescription drugs

Failure to thrive

Failure to thrive is a syndrome characterized by chronic malnutrition of an infant or young child. Growth is delayed. Mental retardation, learning difficulties and delay in language skills are some of the long-term consequences. Characteristics include:

- A weak, pale, and listless appearance; loss of body fat.
- Staring vacantly, instead of smiling and maintaining eye contact.
- Sleeping in a curled up, fetal position with fists tightly closed.
- Rocking back and forth in bed as he lies on his back or banging his head repeatedly against his crib.
- Obvious delays in developmental and motor function.

Fatality

When suspected abuse or neglect is a factor in a child victim's death, a report must be made. The medical examiner and law enforcement conduct a criminal investigation, and the Department of Human Services provide necessary protective services to the other children in the child victim's family. The most frequent cause of a child abuse death is a head injury from shaking or battering. Most fatally abused children are under five years of age.

Medical neglect

Children need adequate medical, dental or mental health care services. Medical neglect is when a parent or caregiver does not provide these. When a medical situation may result in serious impairment, pain or death of the child, CPS can intervene. Religious beliefs about spiritual care are generally honored, except when the child's life is in danger. If a parent refuses medical attention in a serious or life-threatening situation, CPS may intervene.

Mental Injury

The unusually cruel treatment of a child to the extent that the child cannot function at their developmental level nor have normal emotions for their level of development.

Mental injury includes:

- Rejecting, abandoning or extensive ridiculing of a child.
- Terrorizing a child by threatening extreme punishment against him or his pets or possessions.
- Ignoring a child over time by refusing to talk to or show interest in her daily activities. This must be so extreme there is no traditional parent-child relationship between the two.
- Isolating a child by teaching him to avoid social contact beyond the parent-child

relationship.

- Corrupting a child by teaching inappropriate behavior in areas such as aggression, sexuality or substance abuse.
- Exposing a child to violence.

Mental injury/psychological maltreatment is the result of cruel or unconscionable acts and/or statements made, threatened to be made or permitted to be made by the caregiver(s) which have a direct effect on the child; or caregiver's failure to provide nurturance, protection or appropriate guidance. The caregiver's behavior, intentional or unintentional, must be related to the observable and substantial impairment of the child's psychological, cognitive, emotional and/or social well-being and functioning.

Neglect

Neglect is the negligent treatment or maltreatment of a child; which is caused by failure to protect or care for a child. This includes failure to provide food, clothing, shelter, medical care, and emotional support for a child. Neglect is the most common form of abuse seen and may have long-term effects. Neglect is failing to provide adequate food, clothing, shelter, supervision or medical care. Parents must provide adequate supervision, care, guidance and protection to keep children from physical or mental harm. Parents must also provide appropriate treatment for children's problems. Children will have minor injuries during childhood. When accidental injuries are frequent, they may be the result of neglect.

Neglect includes exposing a child to illegal activities, such as:

- Encouraging a child to participate in drug sales or theft
- Exposing a child to parental drug abuse
- Encouraging a child to use drugs or alcohol

Safe child-care includes:

- A designated person who can take care of a child's individual needs
- A plan to reach the parent in an emergency

A child should not be left in a position of authority or be left alone in situations beyond his ability to handle. Each child must be looked at individually to make sure he or she is physically and emotionally able to handle the given responsibility. The law does not specify the age at which a child can be left alone. However, a child under 10 cannot be left unattended for such a period of time as may likely endanger their health or welfare (ORS 163.545).

Physical Abuse

Physical abuse is any physical injury caused by another that is not accidental. Includes Bruises or cuts, head injuries, poisoning, fractures or sprains, burns or scalds, internal injury, electrical shocks, and death

Although not recommended, spanking is not abuse. However, a spanking; which leaves marks or bruises on a child might be abuse. Bruises anywhere on a baby are serious.

Sexual abuse

Child sexual abuse occurs when a person uses or attempts to use a child for their own sexual gratification. This includes incest, rape, sodomy, sexual penetration, fondling, voyeurism and sexual harassment. Persons who sexually abuse children rely on many methods to force children to keep quiet. They may be subtle, telling the child they are doing it for their own good or promising them favors or gifts. Or they may be more blatant, such as a father warning his daughter that if she tells anyone, the family will be broken up and everyone will blame her. The abuser may convince the child they are equal partners, that they have special affection for the child and will be blamed if disclosure is made. Many abusers use threats, telling the child pets will be hurt, that siblings will be targeted, or even the child himself will be killed if he/she tells. Children need adults to provide their basic needs: food, a place to live, clothing, access to family and loved ones. Abusers deliberately emphasize that dependency to make children submit to them.

Sexual abuse of teens

Oregon law does not make all sexual activity of a teen under the age of 18 illegal. The law includes defenses in some circumstances if the actor is less than three years older than the victim. Law enforcement and district attorneys will need to analyze each situation on a case-by-case basis.

For teens, evidence of sexual activity may be a potential indicator of sexual abuse. Consenting sexual relationships imply that both partners have the ability and capacity to make an informed choice without fear of harm or pressure. However, many teens do not have a clear understanding of the difference between consensual and abusive relationships. The following factors should be considered in determining whether a relationship may be abusive:

- Force is used
- Impaired mental and/or emotional capacity
- Drug or alcohol involvement
- Manipulation, intimidation, implied threats or other forms of coercion.
- Distinct power differential or a significant age difference.

Sexual exploitation

Sexual exploitation is using children in a sexually explicit way for personal gain; for example, to make money, to obtain food stamps or drugs, or to gain status. It also includes using children in prostitution and using children to create pornography.

Shaken baby syndrome

Shaken Baby Syndrome describes a head injury caused by holding a child by the arms or trunk and shaking the child severely and repeatedly. Many parents do not understand that shaking can cause severe brain injury, blindness or even death. The most common injuries are blood clots around the brain, hemorrhages of the retina, fractures in the growing portion of the bone, injury to the brain, bruises on the extremities, or bruising and injury of the chest.

Threat of Harm

Includes all activities, conditions, and persons, which place a child at substantial risk of physical abuse, sexual abuse, neglect, or mental injury

Threat of harm is subjecting a child to a substantial risk of harm to the child's health or welfare. Substantial harm is defined as immobilizing impairment, life-threatening damage, or significant or acute injury to a child's physical, sexual, psychological, or mental development and/or functioning. Some examples of this type of abuse are:

- A child living with or cared for by a person who has been convicted of child abuse or neglect of any child in the past.
- A child born to or coming to live with any person who has a child currently out of their home as a result of child abuse or neglect.
- A newborn whose primary caregiver appears to lack the skills necessary to provide adequate care even though the child has not suffered harm.
- A child living with a person who is involved in child pornography.
- Caregiver behavior which is out of control and threatening to a child's safety; e.g., driving while intoxicated with children in the car or a caregiver who is not taking prescribed medication. May also be due to drug or alcohol abuse; or a mental, emotional, or physical problem.