

Appendix E

Child Abuse as Defined by Oregon Law

Child Abuse has a specific meaning in Oregon law and is defined in ORS 419B.005(1)(a). While the statutory definition has several categories, abuse can be viewed as falling into five broad categories—physical abuse, sexual abuse, mental injury, neglect, and threat of harm.

Physical abuse is any non-accidental injury to a child. It is often caused by an action or omission of a care giver. Injuries include bruises, welts, cuts, fractures, burns or internal injuries. Physical abuse can be one or two isolated incidents or it can occur over a prolonged period of time.

Sexual abuse occurs when a person who is more than 3 years older than a child uses or attempts to use the child for their own sexual gratification. Oregon law considers any unmarried person under the age of 18 to be a child for the purpose of sexual abuse. Sexual abuse also includes exploitation that causes a child to be involved in sexual activity, such as prostitution, pornography, or recording of sexual activity. The essence of the abuse is an older person taking advantage of a younger child. [See ORS 419B.005(1)(a)(C)-(E)]

Mental Injury 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 the 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.

- (A) ORS 419B.005(1)(a)(B) defines "mental injury" to 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."
- (B) Actions such as making demeaning remarks, rejecting the child, ignoring or isolating the child, name calling, or telling the child that he is not a good person or athlete may contribute to mental injury. This type of behavior is reprehensible, but whether it legally constitutes abuse under Oregon law depends on its effect on the child.

Neglect occurs when a caregiver fails to provide basic needs such as adequate food, clothing, shelter, supervision, or medical care that is likely to endanger the health or welfare of the child. Neglect also includes subjecting a child to a substantial risk of harm to the child's health or welfare, by exposing a child to illegal activities.

Threat of harm is subjecting a child to a substantial risk of harm to his/her 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. Threat of harm includes exposing a child to violence against another family member, exposing a child to the manufacture or abuse of illegal drugs, and exposing a child to the sexual abuse or exploitation of another person in the child's home.

Signs of Abuse

The easiest abuse to recognize is something that leaves physical marks like bruises or burns. Realistically, it is difficult for someone who is not directly involved with a child and his family to see most forms of sexual abuse or mental injury. The following signs of abuse may give some indication of when to be concerned about a child.

In cases of **physical abuse** a child may exhibit the following signs:

- (1) *Behavioral* indicators:
 - (a) Wary of adults
 - (b) Cannot recall or consistently explain how injuries occurred
 - (c) May cringe if touched accidentally
 - (d) Extremely aggressive or extremely withdrawn
- (2) *Physical* indicators:
 - (a) Injuries inconsistent with the explanation
 - (b) Presence of several injuries in various stages of healing
 - (c) Facial injuries

(B) In cases of **mental injury**, a child may exhibit the following signs:

- (1) *Behavioral* indicators:
 - (a) Severe depression
 - (b) Extreme withdrawal or aggressiveness
 - (c) Overly compliant, too mannered, too neat and clean
 - (d) Extreme attention seeking
 - (e) Displays extreme inhibition in play
- (2) *Physical* indicators:
 - (a) Frequent psychosomatic complaints such as headaches, nausea, abdominal pains

(C) In cases of **sexual abuse**, a child may exhibit the following signs:

- (1) *Behavioral* indicators:
 - (a) Age inappropriate sexual play or displaying sexual acts
 - (b) Sexually explicit drawings or descriptions
 - (c) Bizarre, sophisticated, or unusual sexual knowledge
 - (d) Seductive behaviors
- (2) *Physical* indicators:
 - (a) Unusual or excessive itching in the genital area
 - (b) Torn, stained or bloody underwear
 - (c) Injuries to the vaginal or anal areas

(D) In cases of **neglect**, a child may exhibit the following signs:

- (1) *Behavioral* indicators:
 - (a) Frequent absence from school or practice
 - (b) Inappropriate or dirty clothing

- (c) Engaged in delinquent acts such as alcohol or drug abuse
- (d) Pale, listless, unkempt
- (e) Frequently forgets proper equipment, water, *etc.*

(2) *Physical* indicators:

- (a) Poor hygiene
- (b) Unattended physical problems or medical needs
- (c) Consistent lack of supervision