

Reportable Types of Abuse Santa Clara County

- **Physical Abuse**
- **Sexual Abuse**
- **Severe Physical Abuse**
- **Sexual Exploitation**
- **Neglect**
- **Non-sexual Exploitation**
- **Severe Neglect**
- **Emotional Abuse**
- **General Neglect**
- **Caretaker Absence**

Child abuse and neglect are defined by Federal and State laws. The Child Abuse Prevention and Treatment Act (CAPTA) is the Federal legislation that provides minimum standards that States must incorporate in their statutory definitions of child abuse and neglect. The CAPTA definition of "child abuse and neglect" refers to:

"Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm."

Physical Abuse

Physical Abuse means non-accidental bodily injury that has been or is being willfully inflicted on a child. It includes willful harming or injuring of a child or endangering of the person or health of a child defined as a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

Severe Physical Abuse

Severe Physical Abuse includes any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

Neglect

Neglect means the negligent treatment or maltreatment of a child by acts or omissions by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, including physical and/or psychological endangerment. The term includes both severe and general neglect.

Severe Neglect

Severe Neglect includes the negligent failure to protect a child from severe malnutrition or medically diagnosed non-organic failure to thrive and/or to permit the child or the child's health to be endangered by intentional failure to provide adequate food, clothing, shelter or medical care.

General Neglect

General Neglect includes the failure to provide adequate food, shelter, clothing, and/or medical care, supervision when no physical injury to the child occurs.

NOTE: A child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child.

An informed and appropriate medical decision made by a parent or guardian after consultation with a physician or physicians who have examined the child does not constitute neglect. See Assessment of Medical Neglect.

Sexual Abuse

Sexual Abuse is the victimization of a child by sexual activities including, but not limited to sexual assault, rape (statutory rape and rape in concert), incest, sodomy, lewd and lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object, child molestation and unlawful sexual intercourse. Also, please be aware that it is sexual abuse if the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

Sexual Exploitation

Sexual Exploitation involves any person or person who is responsible for a child's welfare who knowingly promotes, aids or assists, employs, uses, persuades, induces or coerces a child, or knowingly permits or encourages a child to engage in, or assists others to engage in, prostitution or live performance involving obscene sexual conduct or to either pose or model alone or with others for the purpose of preparing a film, photograph, negative, slide, drawing, painting or other pictorial depiction involving obscene sexual conduct.

NOTE: Unlawful sexual intercourse is defined as an adult who engages in an act of sexual intercourse with a minor or any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger, or a person 21 years or older with a minor who is under 16 years old.

Non-Sexual Exploitation

Non-Sexual Exploitation involves forcing or coercing a child into performing acts which are beyond his/her capabilities, such as being employed for long hours and/or in a job which is dangerous or beyond his/her capabilities or forcing or coercing the child into illegal or degrading acts such as stealing, panhandling, and/or drug sales. Generally, these acts benefit the perpetrator in some way. See Procedural Guide 0070-535.10, Assessment of Exploitation.

Emotional Abuse

Emotional Abuse is nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child, such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse. Exposure to repeated violent, brutal or intimidating acts among household members (domestic violence) is emotional abuse.

Caretaker Absence

Caretaker Absence is specific to the caregiver's situation rather than to the child's and may be used in addition to general neglect or substantial risk of harm allegations. This allegation type shall be used in either of the following circumstances:

- **Caretaker Absence:** The child's parent has been incarcerated, hospitalized or institutionalized and cannot arrange for the care of the child; parent's whereabouts are unknown or the custodian with whom the child has been left is unable or unwilling to provide care and support for the child.
- **Caretaker Incapacity:** The child's parent or guardian is unable to provide adequate care for the child due to the parent or guardian's mental illness, developmental disability or substance abuse.