

**Child Abuse and Dependent Adult Abuse Prevention**

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The best recourse to stop child abuse is to prevent it. Here in Iowa, laws have been put in place to allow parents to give up an unwanted infant without prosecution. The Safe Haven Act is a law that allows parents, or another person who has the parent's authorization, to leave an infant up to 14 days old at a hospital or health care facility without fear of prosecution for abandonment. All states have Safe Haven laws, although provisions differ.

A Safe Haven is an institutional health facility, such as a hospital or health care facility. According to the law, an "institutional health facility" means:

- a "hospital" as defined in Iowa Code section 135B.1, including a facility providing medical or health services, that is open twenty-four hours per day, seven days per week, and has a hospital emergency room, or
- a "health care facility" as defined in Iowa Code section 135C.1, which means a residential care facility, a nursing facility, an intermediate care facility for persons with mental illness, or an intermediate care facility for persons with mental retardation.

Hospitals and health care facilities are encouraged to prominently display the Safe Haven logo.



A parent, or another person authorized by the parent, to relinquish physical custody of an infant may directly relinquish custody of an infant to an individual on duty at:

- a hospital,
- a residential care facility,
- a nursing facility,
- an intermediate care facility for persons with mental illness, or
- an intermediate care facility for persons with mental retardation.

They may leave the infant at a hospital or health care facility, and then must immediately contact the facility, or call a 911 service, to be sure that:

- an individual on duty is aware of the location of the infant, AND
- the facility knows an infant has been left there under provisions of the Safe Haven Act.

The law provides immunity from prosecution for abandonment for a parent, or a person acting with the parent's authorization, who leaves an infant at a hospital or health care facility. They cannot be required to provide identifying information.

Hospitals or health care facilities may ask for, but cannot require:

- the name of the parent or parents,
- the medical history of the infant, and
- the medical history of the infant's parents.

Facilities must then notify the Iowa Department of Human Services (DHS) as soon as possible, by calling 1-800-362-2178, to report that physical custody of an infant has been taken under the Safe Haven Act.

DHS will make the necessary court and legal contacts, and assume care, control, and custody of the child. The facility must submit the certificate of birth report as required in Iowa Code section 144.14. The facility must also keep confidential any information received or recorded in connection with a good faith effort to voluntarily release an infant under the Safe Haven Act. Failure to keep information confidential is a serious misdemeanor.

Lastly, the Safe Haven Act provides immunity from civil or criminal liability for hospitals, health care facilities, and persons employed by those facilities that perform reasonable acts necessary to protect the physical health and safety of the infant.

In conclusion, it is important to review key points of this training.

By legal definition, the victim of child abuse is a person under the age of 18 who has suffered one or more of the categories of child abuse as defined in Iowa law. These categories include physical abuse, mental injury, sexual abuse, denial of critical care, child prostitution, presence of illegal drugs, manufacturing or possession of a dangerous substance, or bestiality in the presence of a minor.

A perpetrator of child abuse must be a person responsible for the care of a child, or in other words, a caregiver. There are four potential groups of caregivers. First, a parent, guardian, or foster parent. Secondly, a relative, or any other person with whom the child resides, and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence. Caregivers can also include an employee or agent of any public or private facility providing care for a child. Lastly, caregivers can also be any person providing care for a child, but with whom the child does not reside, without reference to the duration of the care.

Normally, teachers are not considered caretakers in the teaching and supervising of children. If there is an accusation of child abuse, whether it be physical abuse, sexual abuse, or child prostitution, by an employee in a school district, the school district is required to have policies and procedures in place which they will follow outlining their response.

Children may be in a caretaker role, for example, as a baby-sitter. An adult caretaker may be considered responsible if they delegated care responsibilities to an inappropriate minor caregiver. A mandatory reporter who suspects that abuse has occurred when one child is caring for another is required by law to make a child abuse report.

Because dependent adults may live both in the community and in facilities, there are two laws overseeing dependent adult abuse. Iowa Code Chapter 235B governs dependent adults in the community, and Iowa Code Chapter 235E governs dependent adults who live in facilities. "Facilities," as mentioned before, include health care facilities, hospitals, elder group homes, assisted living facilities and programs, and adult day services programs.

To be accepted for evaluation, an alleged abuse report must concern a dependent adult. A "dependent adult" is defined by law as a person 18 years of age or older whose ability to perform the normal activities of daily living, or to provide for the person's own care or protection, is impaired, either temporarily or permanently. This condition may be the result of a physical or mental condition. This can include, but is not limited to, individuals with mental impairment from genetic disorders, birth injuries, head trauma, or disease processes, as well as individuals with physical impairments from aging, disease processes, genetic disorders, or birth defects, for example.

As defined in Iowa Code, "dependent adult abuse" includes five categories of abuse as the result of the willful or negligent acts or omissions of a caretaker. They include financial exploitation, physical abuse, sexual abuse, sexual exploitation, and denial of critical care. In some cases under the physical abuse category, there does not have to be an injury to constitute physical abuse. In the denial of critical care category, the dependent adult themselves may be the one depriving themselves of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain their life or health. The abuse must have occurred as a result of actions, or inactions, by a "caretaker" who could be a staff member of a facility or program, a spouse, an adult child, another family member, a volunteer, or paid individual. It really includes anyone who provides care, protection, or services to a dependent adult either voluntarily, by contract, through employment, or by order of the court.

"Mandatory reporters" for child abuse are professionals who have frequent contact with children, and generally work in one of six disciplines: health, education, child care, mental health, law enforcement, and social work. Any person who, in the scope of professional practice, or in their employment responsibilities, examines, attends, counsels, or treats a child is also considered a mandatory reporter of child abuse. By generalist definition, a mandatory reporter of dependent adult abuse is anyone who, in the course of employment, examines attends, councils, or treats dependent adults. If you see a child or dependent adult that is in imminent danger, immediately contact law enforcement.

Any person, official, agency, or institution required by Iowa Code to report suspected abuse who knowingly fails to do so, or who knowingly interferes with the making of such a report in violation, is civilly liable for the damages proximately caused by such failure or interference.

Mandatory reporters may also report suspected abuse outside the scope of their professional practice, as permissive reporters. Permissive reporters are not legally required to report, but may feel morally and ethically obligated to.

If you are a mandatory reporter of dependent adult or child abuse, and you suspect abuse, you must report it. The law requires you to report suspected abuse to DHS (for children), or DHS or DIA (for dependent adults), orally within 24 hours of becoming aware of the situation. According to Iowa Code, you must also make a report in writing within 48 hours after your oral report.

When more than one mandatory reporter reasonably suspects abuse involving the same incident, the mandatory reporters may jointly make a written report to DHS.

The DHS and DIA process of evaluating reports of dependent adult abuse includes intake of the report, an appropriate evaluation or assessment, which may include contact with the victim, an interview with the alleged perpetrator, and obtainment of other information from subjects of the report and other relevant parties. They must document conclusions and recommendations for services or court action, and complete required correspondence to subjects and mandatory reporters.

DIA and DHS have three possible outcomes in a dependent adult abuse evaluation that include being founded, unfounded, or confirmed, but not registered. If it is a founded case, it is determined by a preponderance of evidence that abuse has occurred. Information on founded reports is maintained on the Central Abuse Registry for ten years, and then sealed.

Next to prevention, timely and accurate recognition of abuse by mandatory reporters is the best way we have to protect our children and dependent adults.

As you complete this course, there are several documents you may find value in reviewing. These may be accessed on the Internet, and include:

- Form 470-0665, Report of Suspected Child Abuse
- Child Abuse: A Guide for Mandatory Reporters
- Iowa Differential Response to Abuse
- Suspected Dependent Adult Abuse Report Form
- Dependent Adult Abuse: A Guide for Mandatory Reporters