

DHR Definitions of Abuse

Emotional Abuse Info:

A. Mental Abuse/Neglect

Definition:

Extreme and aberrant behavior that directly results in severe impairment to a child's functioning. Circumstances that may indicate abuse/neglect include, but are not limited to:

- family violence episodes that continue to the extent that a child's school grades drop significantly and the child becomes severely emotionally disturbed
- parent repeatedly curses, yells, screams at child or repeatedly demeans child which results in child becoming suicidal or violent

Additional Verification:

Written statement based on a mental health professional's evaluation. The mental health professional must be informed in writing of the Department's definition of mental abuse/neglect. The written statement must specify the behavior-cited fits within the department's definition, in order for the allegation disposition to be "Indicated."

Physical Abuse Info:

A. Serious Harm

Child protective services' central purpose is to protect children from serious harm. Serious harm is defined as significant physical injury; sexual abuse; severe impairment in a child's functioning; permanent disability or disfigurement; or death. "Severe impairment in a child's functioning" is a serious deficit in a child's behavior or cognition.

This document describes specific types of abuse and neglect as defined by DHR. The common theme running through the definitions is that serious harm is present or threatened. The Intake and CA/N Assessment flow charts (refer to Appendix) visually reflect how protecting children from serious harm drives the intake and CA/N assessment processes, and guides DHR's decision-making.

B. Abuse and Neglect Defined

Abuse occurs when serious harm is inflicted non-accidentally on a child by any person age fourteen (14) years or older.

Neglect occurs when parents or primary caregivers negligently fail to protect children from a threat of serious harm. This includes incidents of "blatant disregard" where children are placed in harmful and dangerous situations that require precautionary measures to protect them.

"Blatant disregard" is defined as incidents where the threat of harm to children is so imminent and apparent that it is unlikely a parent or primary caregiver would have exposed the children to such danger without exercising precautionary measures to protect the children from harm.

Physical Injuries:

A. Bone Fractures

Definitions:

A fracture is a broken bone. This allegation also includes skull fractures. The most common fracture types that might be encountered in medical reports are:

- Chips: A small piece of bone is flaked from the major bone part
- Simple: The bone is broken, but there is no external wound
- Compound: The bone is broken and there is an external wound leading to the fracture site or bone fragments are protruding through the skin
- Comminuted: The broken bone is splintered into pieces
- Spiral: The fracture encircles the bone in the form of a spiral; usually caused by a twisting motion

Additional Verification:

Written or verbal statement by a medical professional, and preferably a neurosurgeon or radiologist for skull fractures.

B. Burns/Scalding

Definitions:

- Burns: Tissue injury resulting from excessive exposure to thermal (dry heat), chemical, electrical, or radioactive agents. Effects vary according to the type, duration, and intensity of the agent and the body part involved.
- Burn Classifications:
 - First Degree: Superficial burns with damage (e.g., scorching, painful redness) limited to the outer skin layer.
 - Second Degree: Damage extends into the inner skin layers with blistering present within 24 hours.
 - Third Degree: Skin is destroyed; damage extends into underlying tissues, which may be charred or coagulated.
 - Scalding: A burn to skin or flesh caused by moist heat and hot vapors (e.g., steam).

Additional Verification:

All immersion burns and burns of suspicious or unknown origin (e.g., suspected cigarette burns; burns appearing to have been caused by a hot instrument being applied to the skin) must be diagnosed/verified by a physician.

Diagnosis/verification by a physician is not always necessary for severe burns; however, they need to be examined by a physician for any needed medical treatment.

C. Cuts, Bruises

Definitions:

- Cuts: Open incisions or breaks in the skin made by some external agent
- Bruises: Bleeding within the skin where the skin is discolored, but not broken

Note: Injuries resulting from excessive corporal punishment are also included under this allegation.

Corporal Punishment: Alabama laws and court decisions support the use of corporal punishment by parents and those acting “in loco parentis” (e.g., school teachers) to discipline children. State courts have held that bruising produced by corporal punishment does not, **in and of itself**, constitute abuse, and parents or primary caregivers have the right to choose disciplinary methods as long as their actions do not constitute abuse.

Consider the following factors when determining whether cuts or bruises (including those resulting from corporal punishment) constitute abuse/neglect.

- age (children under 3 years old are at a much greater threat of harm, and bruises/cuts resulting from corporal punishment are generally considered significant enough to constitute child abuse/neglect)
- children’s physical, mental, and emotional condition
- any developmental, physical, or mental disability, particularly if it impairs the children’s ability to protect themselves (e.g., ability to verbalize or communicate)
- location and severity of the injury and for bruises, the size, number, depth, and extent of discoloration
- parents’ or primary caregivers’ explanation of how the injury occurred; whether an instrument was used, and if so, what kind
- instrument was used, and if so, what kind; and
- previous history of indicated abuse or neglect

Corporal punishment, even when bruises are present, is **not** considered abusive when all the following factors are present.

- the punishment is administered by a parent or someone acting
- in the parent’s place
- the punishment’s sole purpose is to restrain or correct the
- child
- the force used is reasonable in manner, moderate in degree, and is not reckless or disregarding of the child’s vulnerability

D. Human Bites

Definitions:

Wounds, bruises, cuts, or indentations in the skin caused by seizing, piercing, or cutting the skin with the human teeth.

E. Internal Injuries

Definitions:

Internal injuries (not visible from the outside) which are caused by physical force (e.g., hitting, kicking, shaking). These injuries can result in a loss of consciousness, seizure, and mental or physical damage.

Additional Verification:

Written or verbal statement by a medical professional

F. Shaken Baby Syndrome

Definition:

Shaken Baby Syndrome (SBS), also known as Abusive Head Trauma (AHT) and Inflicted Traumatic Head Injury (ITHI) is severe internal injury to the brain of an infant or child (e.g., usually younger than 1 year old but may occur in children up to age 5) directly related to infant/child being violently shaken.

Often associated with one or more of the following medical conditions:

- bleeding at the back of one or both eyes (retinal hemorrhage)
- an accumulation of blood in the outer part of the brain (subdural hematoma)
- swelling of the brain caused by an accumulation of fluid (cerebral edema)

Additional Verification:

Written statement from a physician that based on his opinion, injuries the infant received are consistent with those associated with shaken baby syndrome.

G. Sprains/Dislocations

Definition:

- Sprain: Trauma to a joint that causes pain and limited range of motion depending upon the degree of injury to the ligaments.
- Dislocation: Displacement of a bone from its normal position in a joint.

Additional Verification:

Written or verbal statement by a medical professional.

H. Tying/Close Confinement

Definition:

Unreasonable restriction of a child's mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together, or forcing the child to remain in a closely confined area which restricts physical movement.

Examples of tying/close confinement include, but are not limited to:

- Tying one or more of a child's limbs to a bed, chair, or other object;
- Restraining limbs to the point where blood circulation is affected;
- Tying the child's hands or feet; and
- Locking a child in a closet for any period of time.

I. Bizarre Discipline

Definition:

Extreme or aberrant disciplinary actions, events, and/or devices, used in an attempt to set behavioral standards or to modify behavior, which are manifestly over-reactive to the child's behavior and the disciplinary situation; and which place the child at threat of serious harm.

Examples of bizarre discipline include, but are not limited to:

- forcing children to kneel on objects that cause pain

- tying the penis to stop bed wetting
- threatening to kill/injure or killing/injuring a child's pet
- placing unsafe amounts of pepper or tabasco in the mouth
- forcing the child to drink Drano or other noxious/choking substances