

Iowa Department of Human Services
Factoring Child Abuse Desk Aid

<p>PHYSICAL ABUSE</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Physical injury occurred. 4: Injury is nonaccidental or history given is at variance with the injury. 5: Injury resulted from acts or omissions of the caretaker. 	<p>caretaker knew or should have known the child under the influence, or</p> <ul style="list-style-type: none"> ◆ A “sex act” done while child was mentally incapacitated 1; or ◆ A “sex act” done while child was physically incapacitated 2; or ◆ “A “sex act” done while child was physically helpless 3; or ◆ Caretaker and child not cohabiting as husband and wife, and either: <ul style="list-style-type: none"> • Child is aged 12 or 13; or • Child is aged 14 or 15 and any of following are true: <ul style="list-style-type: none"> ○ Child and caretaker are members of same household, or ○ Child and caretaker are related to each other, or ○ Caretaker in position of authority used authority to coerce child to submit, or ○ Caretaker four or more years older than the child, or ○ Child suffers mental defect or incapacity that precludes giving consent. 	<ol style="list-style-type: none"> 5: One of the following acts occurred: <ul style="list-style-type: none"> ◆ Caretaker exposed pubes or genitals to the child, or ◆ Caretaker committed a “sex act” in presence or view of third person. 4 	<p>Lascivious Conduct With a Minor</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker is aged 18 or older. 4: Caretaker used force, persuasion, or coercion to have the child disrobe or partially disrobe for purpose of arousing or satisfying sexual desires of either of them. 5: Caretaker and child are not husband and wife. 	<ol style="list-style-type: none"> 5: Caretaker knew that the child was related, legitimately or illegitimately, as an ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, niece, or nephew.
<p>MENTAL INJURY</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: There is observable and substantial impairment in the child’s ability to function within the normal range of performance and behavior. 4: Impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional. 5: Impairment is the result of the acts or omission of the caretaker. 	<p>Lascivious Acts With a Child</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker is aged 18 or older. 4: Caretaker has done one of the following: <ul style="list-style-type: none"> ◆ Fondled or touched the child’s genitals or pubes, or ◆ Permitted or caused child to fondle or touch genitals or pubes of caretaker, or ◆ Solicited the child to engage in a “sex act,” or ◆ Inflicted pain or discomfort on child or has allowed child to inflict pain or discomfort on caretaker for the purpose of arousing or satisfying the sexual desire of either caretaker or victim. 5: Either of the following: <ul style="list-style-type: none"> ◆ Intent of caretaker in the course of performing these acts with the child was to arouse or satisfy the sexual desires of one or both of them, or ◆ Caretaker or child was sexually aroused. 6: Caretaker and child aren’t married. 	<p>Assault With Intent to Commit Sexual Abuse</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Intent of caretaker was to commit sexual abuse. 4: One of the following acts occurred without justification: 5 <ul style="list-style-type: none"> ◆ Any act intended to cause pain or injury to another or intended to result in physical contact insulting or offensive to another, coupled with apparent ability to execute act; or ◆ Act intended to place child in fear of immediate physical contact that will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act; or ◆ Caretaker claimed immediate possession or control of a firearm, displayed a firearm in a threatening manner, or was armed with a firearm; or ◆ Caretaker displayed a dangerous weapon in a threatening manner. 	<p>Sexual Exploitation by a Counselor, Therapist or School Employee</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker: <ul style="list-style-type: none"> ◆ Is currently a counselor or therapist 6 providing mental health services to the child, or ◆ Has been the child’s counselor or therapist within past year, or ◆ Is a school employee. 7 4: Any of the following occurred: <ul style="list-style-type: none"> ◆ A pattern or practice of sexual conduct between the child and caretaker, or ◆ A scheme on part of the caretaker to engage in sexual conduct with child. 5: Intent of caretaker was to arouse or satisfy sexual desires of the child or caretaker. 6: Conduct of caretaker: <ul style="list-style-type: none"> ◆ Was not part of a necessary examination or treatment provided to the child by caretaker while acting within scope of the practice or employment in which caretaker was engaged, or ◆ Was not necessary in performance of caretaker’s duties while acting within the scope of employment. 	<p>Sexual Exploitation of a Minor</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Intent of the caretaker was to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a child to engage in a prohibited sexual act or in simulation of a prohibited sexual act. 8 4: Caretaker allowed child to engage in a prohibited sexual act or simulated act. 5: Caretaker intended, knew or had reason to know that sexual act or simulated act may be or was being photographed, filmed, or otherwise preserved in a negative, slide, book, magazine, or other print, electronic or visual medium.
<p>SEXUAL ABUSE Sexual Abuse in the First Degree</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker committed a “sex act” with or to the child. 4: Child suffered a “serious injury.” 	<p>Sexual Abuse in the Second Degree</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker committed a “sex act” with or to the child. 4: One of the following exists: <ul style="list-style-type: none"> ◆ Child is under age 12, or ◆ Child has mental defect or incapacity, or ◆ “Sex act” committed by force or against child’s will, and caretaker was aided or abetted by one or more people, or ◆ Caretaker displayed a dangerous weapon, or ◆ Caretaker used or threatened force creating substantial risk of death or serious injury. 	<p>Indecent Contact With a Child</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker is: <ul style="list-style-type: none"> ◆ Aged 18 or older, or ◆ Aged 16 or 17 and committed any acts indicated in Factor 5 with a child more than five years younger. 4: Intent of caretaker to arouse or satisfy sexual desires of caretaker or of child. 5: One of the following acts occurred: <ul style="list-style-type: none"> ◆ Caretaker has fondled or touched the inner thigh, groin, buttock, anus, or breast of the child, or clothing covering same body parts, or ◆ Caretaker has permitted or caused the child to fondle or touch the person’s genitals, pubes, inner thigh, groin, buttock, anus or breast, or ◆ Caretaker has solicited the child to allow that person to inflict pain or discomfort on the child, or ◆ Caretaker has solicited child to inflict pain or discomfort on the person. 6: Caretaker and child are not married. 	<p>Sexual Misconduct with Juveniles</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker is an officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility. 4: Child is placed at the juvenile placement facility. 5: Caretaker committed a “sex act” with or to child. 	<p>Invasion of Privacy – Nudity</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker knowingly views, photographs or films a child for the purpose of arousing or gratifying the sexual desire of any person and all the following apply: <ul style="list-style-type: none"> ◆ Child does not have knowledge about and does not consent or is unable to consent to being viewed, photographed, or filmed. ◆ Child is nude or partially nude. ◆ Child has a reasonable expectation of privacy while in a state of full or partial nudity.
<p>Sexual Abuse in the Third Degree</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker committed a “sex act” with or to the child. 4: One of the following is present: <ul style="list-style-type: none"> ◆ A “sex act” done by force or against the child’s will; or ◆ A “sex act” done while child was under influence of a controlled substance that prevented child from giving consent and 	<p>Indecent Exposure</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Intent of caretaker to arouse or satisfy sexual desires of caretaker or child. 4: Caretaker knew or should have known the act was offensive to the viewer. 	<p>Incest</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker committed a sexual act with or to child. 4: Caretaker was aged 14 or older at time of the offense. 	<p>Denial of Critical Care Failure to Provide Adequate Food</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker has failed to provide for adequate food and nutrition. 4: Child was placed in danger of suffering injury or death. 5: Caretaker was financially able to provide for the child’s critical care needs or refused to do so when offered financial and other reasonable means. 	<p>Denial of Critical Care Failure to Provide Adequate Shelter</p> <ol style="list-style-type: none"> 1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker has failed to provide for adequate shelter.

<p>4: Child was placed in danger of suffering injury or death.</p> <p>5: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>within a normal range of performance and behavior.</p> <p>5: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>services of a child as a participant in a "sex act," or</p> <p>◆ Caretaker allowed, permitted, or encouraged the child to engage in sale or purchase or offer for sale or purchase of the child's services as a participant in a "sex act."</p>	<p>ALLOWS ACCESS TO OBSCENE MATERIAL</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker has knowingly done one of the following: ◆ Permitted the child to view obscene material. ◆ Disseminated obscene material to the child. ◆ Exhibited obscene material to the child.</p>	<p>◆ The alleged perpetrator will continue to pose a danger to the child subject or another child with whom the alleged perpetrator may come into contact.</p>
<p>Failure to Provide Adequate Clothing</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker has failed to provide for adequate clothing. 4: Child was placed in danger of suffering injury or death. 5: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>Failure to Provide Proper Supervision</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Child was placed in direct harm, risk of harm, or in danger of suffering injury or death. 4: Caretaker failed to provide type of supervision that a reasonable and prudent person would exercise under similar facts and circumstances. 5: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>PRESENCE OF ILLEGAL DRUGS IN A CHILD'S BODY</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: An illegal drug found in the body of a child. 4: Presence of illegal drug is direct and foreseeable consequence of the acts or omissions of the caretaker</p>	<p>ALLOWS ACCESS BY A REGISTER SEX OFFENDER</p> <p>1: Victim is a child. 9 2: Person responsible is a caretaker. 3: Caretaker knowingly allowed custody, control, or unsupervised access by a person required to register or on the Sex Offender Registry. 4: Caretaker not married to person required to register or on Sex Offender Registry. 10 5: Caretaker is not the parent or guardian of person who is required to register or on the Sex Offender Registry when the sex offender is under the age of 18. 6: When the unsupervised access, custody, or control occurred, caretaker knew or should have known the person was required to register or on the Sex Offender Registry.</p>	<p>Endnotes:</p> <p>¹ "Mentally incapacitated" means temporarily unable to control conduct due to influence of a narcotic, anesthetic, or intoxicating substance.</p> <p>² "Physically Incapacitated" means unconscious, asleep, or otherwise physically limited.</p> <p>³ "Physically helpless" means the child has a bodily impairment or handicap that substantially limits ability to resist or flee.</p> <p>⁴ For child abuse purposes, the "third person" most likely is the child, unless the sex act was with the child in front of someone else.</p> <p>⁵ That is, in the absence of noncriminal sport or social activity.</p> <p>⁶ "Counselor or therapist" means a physician, psychologist, nurse, professional counselor, social worker, marriage or family therapist, alcohol or drug counselor, member of the clergy, or any other person, whether or not licensed or registered by the state, who provides or purports to provide mental health services.</p> <p>⁷ "Practitioner" means an administrator, teacher, or other licensed professional, including a person who holds a statement of professional recognition, who provides educational assistance to students.</p> <p>⁸ "Prohibited sexual act" means any of the following:</p>
<p>Failure to Provide Adequate Health Care</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker has failed to provide for adequate health care. 4: Child was placed in danger of suffering injury or death. 5: Failure to provide medical treatment is not based upon the religious beliefs of parent or guardian. 6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>Failure to Respond to an Infant's Life-Threatening Condition</p> <p>1: Victim is an infant, defined as a child who: ◆ Is under the age of one year, or ◆ Is over the age of one year, and • Has been continuously hospitalized since birth, or • Was born extremely prematurely, or • Has a long-term disability. 2: Person responsible is a caretaker. 3: Caretaker has failed to provide treatment (including appropriate hydration, nutrition, and medication) to such an infant except when any of the following apply: ◆ Child is chronically and irreversibly comatose. ◆ Provision of treatment would merely prolong dying. ◆ Provision of treatment would not be effective in ameliorating or correcting all of child's life-threatening conditions. ◆ Provision of treatment would otherwise be futile in terms of the child's survival. ◆ Provision of treatment would be virtually futile in terms of the child's survival and treatment itself would be inhumane. 4: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>MANUFACTURE OF OR INTENT TO MANUFACTURE A DANGEROUS SUBSTANCE</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker did any of the following: ◆ Unlawfully manufactured a dangerous substance, or ◆ Knowingly allowed manufacture of a dangerous substance, or ◆ Possessed a product containing one of the following substances with intent to use product as a precursor or an intermediary to a dangerous substance: • Ephedrine, its salts, optical isomer, or salts of optical isomers, or • Pseudoephedrine, its salts, optical isomers, or salts of optical isomers. 4: Manufacture or possession of dangerous substance occurred in presence of child.</p>	<p>MINOR, ISOLATED, AND UNLIKELY TO REOCCUR</p> <p>Confirmed abuse shall not be placed on the Registry.</p> <p>Physical abuse that was: ◆ Minor and was ◆ Isolated and was ◆ Unlikely to reoccur.</p> <p>Denial of critical care supervision that was: ◆ Minor and was ◆ Isolated and was ◆ Unlikely to reoccur.</p> <p>Denial of critical care clothing that was: ◆ Minor and was ◆ Isolated and was ◆ Unlikely to reoccur.</p> <p>If any of the three following criteria apply to that listed above, it shall be placed on the Registry: ◆ The acts or omissions of the alleged perpetrator resulted in criminal charges or a delinquency or a CINA petition was filed. ◆ A previous child abuse by the same alleged perpetrator has been confirmed or founded within 18 months before the current finding.</p>	<p>◆ An act of bestiality involving a minor. ◆ Fondling or touching the pubes or genitals of a minor. ◆ Fondling or touching the pubes or genitals of a person by a minor. ◆ Use of artificial sexual organs. ◆ Sadomasochistic abuse of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the abuse. ◆ Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the nude minor.</p> <p>⁹ For this type of abuse, "child" means a person up to the age of 14 or up to the age of 18 if the person has a physical or mental disability.</p> <p>¹⁰ This type of abuse does not apply when the caretaker is married to and living with the registered sex offender or a person is required to register.</p>
<p>Failure to Provide Mental Health Care</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker knew or should reasonably have known of the child's observable and substantial impairment in ability to function. 4: Caretaker has failed to provide for mental health care necessary to adequately treat observable and substantial impairment in the child's ability to function. 5: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.</p>	<p>CHILD PROSTITUTION</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: One of the following occurred: ◆ Caretaker sold, offered for sale, or purchased or offered for purchase</p>	<p>BESTIALITY IN THE PRESENCE OF A MINOR</p> <p>1: Victim is a child. 2: Person responsible is a caretaker or abuse occurred due to acts or omissions of caretaker. 3: Any of following "sex acts" occurred between a person and living or dead nonhuman vertebrate animal: ◆ Any sexual contact by penetration of penis into vagina or anus. ◆ Contact between mouth and genitalia. ◆ Contact between genitalia of one and genitalia or anus of other. 4: Person who committed a "sex act" with an animal: ◆ Resides in a home with the child, and ◆ Committed "sex act" in presence of child.</p>		
<p>Gross Failure to Meet Emotional Needs</p> <p>1: Victim is a child. 2: Person responsible is a caretaker. 3: Caretaker has shown a gross failure to meet the emotional needs necessary for normal development of the child. 4: Caretaker knew or should reasonably have known of the child's observable and substantial impairment in ability to function</p>				