Child Abuse and Dependent Adult Abuse Victims and Caretakers

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A child is defined in Iowa Code section 232.68 as any person under the age of 18 years. Therefore, 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, which we discuss in closer detail later, include physical abuse, mental injury, sexual abuse, denial of critical care, child prostitution, the presence of illegal drugs, manufacturing or possession of a dangerous substance, or bestiality in the presence of a minor. This does not mean that if an 18 year old were to be abused by a parent, or another, that it is not considered abuse, it just falls into other categories of the law, such as domestic abuse, or assault and battery.

A perpetrator of child abuse must be a person responsible for the care of a child, or in other words, a caregiver. A person responsible for the care of a child is defined in Iowa Code section 232.68, and includes four potential groups of caretakers. The most obvious caregiver would be a parent, guardian, or foster parent. Secondly, a caregiver can be 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. This could include a grandparent, an aunt or uncle, a step parent, boyfriend or girlfriend or other person who may be living in the home. Third, caregivers can include an employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility. 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. A person who assumes responsibility for the care or supervision of the child may assume such responsibility through verbal or written agreement, or implicitly through the willing assumption of the caretaking role. This could be a babysitter, or a friend or family member that the child may visit, or who may come into the child’s home.

Perpetrators of child abuse come from all walks of life, races, religions, and nationalities. They come from all professions, and represent all levels of intelligence, and standards of living. There is no single social strata free from incidents of child abuse. Abusive parents may show disregard for the child’s own needs, limited abilities, and feelings. Many abusive parents believe that children exist to satisfy parental needs, and that the child’s needs are unimportant. Children who don’t satisfy the parent’s needs may become victims of child abuse. Sexual abusers may have deviant personality traits and behaviors that can result in sexual contact with a child. Sexual abuse perpetrators sometimes use threats, bribery, coercion, or force to engage a child in sexual activity. They violate the trust that a child inherently places in them for care and protection, and exploit the power and authority of their position as a trusted caretaker in order to sexually misuse a child. Often the child is threatened or warned “not to tell,” creating a conspiracy of silence about the abuse.

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. In this case, the school is required to have procedures for handling reports of child abuse, alleged to have been committed by an employee or agent of the public or nonpublic school. The child abuse alleged to have been committed by an employee or agent of a public or nonpublic school can include acts of the school employee on school grounds, on school time, on a school-sponsored activity, or in a school-related context. There are times when an educator may be in the role of a caretaker and outside the jurisdiction of the school. For example, a teacher could be considered a caretaker if the teacher is responsible for supervising a child on an overnight trip. DHS will review reports of child abuse alleged to have been committed by an employee or agent of a public or nonpublic school to determine if a joint assessment with school investigative personnel is appropriate. Where jurisdiction is unclear, or there are other extenuating circumstances, DHS may initiate an assessment. Perpetrators in these cases are just as guilty as perpetrators of child abuse, they are just handled by a different set of laws.

Children are sometimes caretakers for other children, and may be responsible for abusing a child in their care. Children may be in a caretaker role, for example, as a babysitter. 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. DHS will then determine if any action should be taken.

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.

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. We will look at these in further detail, but they include financial exploitation, physical abuse, sexual abuse, sexual exploitation, and denial of critical care.

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 physical or mental conditions. This can include, but is not limited to, individuals with mental impairment from genetic disorders, birth injuries, head trauma, or diseases processes, as well as individuals with physical impairments from aging, disease processes, genetic disorders, or birth defects, for example.

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.
Dependent adult abuse does not include allegations involving domestic abuse in a situation where the victim is not “dependent.” It also does not include people who are legally incarcerated in a penal setting, either in a local jail or in the custody of the Department of Corrections.