

Child Abuse, Neglect, and Sexual Exploitation

During the course of the youth program, you will be responsible for helping ensure the safety of the children who are participating. While your youth program likely will not be the place where actual abuse happens (if you are following the appropriate policies, procedures, and training), you might become aware that the participant is being abused or neglected somewhere else. This might occur as a result of statements made by the participant, or by observations made by the program staff. You have a legal duty to help the victim, and the below information has been compiled to assist you in this endeavor.

What Is It?

As of 2017, data* indicates that 25 out of every 1,000 children in New Mexico have been confirmed victims of abuse. The number of total incidents is likely much higher, since so many cases go undetected and unreported. Here are some terms and definitions to help you understand if you are witnessing possible abuse, neglect, or exploitation:

Child neglect: A child is without proper parental care and control. This may mean the child is not being adequately fed (malnourished) or clothed, not receiving necessary medical care, not receiving an education, or not being adequately supervised. It is the result of the parent or guardian not taking proper steps to care for the child when they are able to do so.

Child abandonment: This is when a parent or guardian intentionally leaves the child under circumstances where the child may (or does) suffer neglect.

Child abuse: This is when a person either knowingly, intentionally, or negligently – and without justifiable cause – causes or permits a child to be placed in a situation that may:

- 1) endanger the child's life or health,
- 2) torture, cruelly confine, or cruelly punish the child; or
- 3) expose the child to inclemency of the weather.

Sexual Exploitation of a Child

There is also a very specific type of crime called Sexual Exploitation of a Child. This includes:

- Knowingly taking, possessing, or distributing photographs or video of a child in an actual or simulated prohibited sexual act if the person is under the age of 18;
- Causing the child to engage in actual or simulated prohibited sexual acts with the intent to have them photographed or recorded; and
- Receiving any money or goods/services as a result of a child engaging in a *prohibited sexual act* with another.

A *prohibited sexual act* includes:

- Criminal sexual contact, including masturbation
- Incest

- Sexual intercourse (regardless of gender of either party), including genital, oral, or anal;
- Bestiality;
- Sadomasochistic abuse for the purpose of sexual stimulation; or
- Lewd and sexually explicit exhibition with a focus on the genitals or pubic area

Signs of Physical Abuse

These are some indicators to look for:

- Sudden changes in behavior or performance
- Developmental delays or regression to earlier developmental stages
- Depression
- Cutting
- The child has been exposed to illegal drugs, chemicals, or substances
- Injuries that cannot be explained, or don't match explanations given
- Bruising that shows different stages of healing, suggestive of being injured in the same area multiple times
- Trouble sitting or walking
- Flinches from sudden movements or noises in a way that is different from other youth;
- Appears to be afraid of adults
- Wears clothing inappropriate for the season or weather in a manner that may be covering injuries
- Refusal to change clothes for physical activities (e.g., PE) or refusal to participate
- Frequent headaches, stomach aches, or body aches with no attributable cause
- Increased anxiety or fear about having to go home , especially fear of a particular person or family member
- Running away from home
- Bullying behaviors against other children
- Abuses animals or pets
- Discloses maltreatment

Signs of Sexual Abuse

Sexual abuse can, and often does, include many of the same signs as other physical abuse, but might also include:

- Sexual knowledge or behavior inconsistent with the child's age
- Acting out sexually on other children
- Genital pain, itching, bleeding suggesting trauma or infection to genital area
- Acts age-inappropriate with strangers or new adults

Signs of Neglect

While not necessarily a form of child abuse, neglect can also impair the ability of a child to be healthy. There are many resources available to help families who have financial difficulties, including housing, food, clothing, and medical assistance. Please report children who exhibit the following and who might benefit from referral and resources:

- Frequently absent from school
- Theft of food or money or begs for food (possibly from other students)
- Consistently poor hygiene
- Consistently dirty clothing
- Lack of appropriate clothing for weather or season
- Often left unsupervised, particularly in unsafe situations
- Lack of needed medical or dental care

What Should You Do?

The State of New Mexico takes the welfare of children very seriously. If you believe a child (a person under the age of 18) has been abused, you are required by state law (Section 32A-4-3 NMSA 1978, et seq.) to report it immediately to the local law enforcement agency (which is the NMSU Police Department, if you are on campus) or the Children, Youth, and Families Department.

NMSU Police Department	911 or (575) 646-3311
NM Children, Youth, and Families (CYFD)	1-855-333-SAFE (7233) or #SAFE on cell phones

This applies to anyone in the state, even those who might otherwise have some type of confidentiality (such as doctors, nurses, school teachers, social workers, and members of the clergy). In addition, anyone who has records related to the child abuse (such as records of treatment, disclosure forms, communications with parents, and any other records) must make them available to the law enforcement officer investigating the abuse. However, you should not make additional copies of any potential evidence (such as any child pornography), and do not share with others who do not have a need to know. Preserve the original evidence and turn it over to the law enforcement officer who responds.

In addition to notifying law enforcement or CYFD, the university also has additional responsibilities that must be met. If the incident involves domestic violence, dating violence, sexual assault, or stalking, you must also contact the Title IX administrator as soon as possible. If there is a serious injury or death as a result of an incident that takes place during the youth program, the Program Director must also notify the Environmental Health, Safety, and Risk Management office as soon as possible. Furthermore, coordination of notification of parents or guardians should take place with the police officer who responds (and with the Dean of Students if the participant is a registered NMSU student).

For more information, contact CYFD or go to: <https://www.childwelfare.gov/pubPDFs/whatiscan.pdf>.

* <https://datacenter.kidscount.org/data/tables/5162-child-abuse-rate?loc=33&loct=2#detailed/2/any/false/871.870.573.869.36/any/11625>