

# ADA ELLIOTT - CHILD ABUSE/SAFEHOUSE

Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

- (1) placed in a situation that may endanger the child's life or health;
- (2) tortured, cruelly confined or cruelly punished; or
- (3) exposed to the inclemency of the weather. NMSA 1978, Section 30-6-1(C).

## ABUSE OF A CHILD

Defendant argued that under the negligence requirement, the statute covers any and all harm that might befall a child. Court of Appeals disagreed. The statute does not apply to ordinary situations where a child is injured, but only to those where the parent performs or fails to prevent some abusive act. The statute requires abuse of a child. State v. Coe (1978).

## A PERSON

There is a misconception that protection is limited only to the children of abusive parents. Actually, the child abuse statute forbids anyone from endangering the life or health of a child.

Defendant was driving and approached victim's truck. A person in defendant's vehicle threw a bottle at the victim's truck which entered the open window and struck a child. Defendant rammed the victim's truck until the bumpers of both vehicles locked. Child abuse conviction affirmed. State v. Lujan (1986).

## CAUSE OR PERMIT

"Permitting" a child to be placed in danger encompasses active consent as well as passive permission - permitting through inaction. State v. Crislip (1990).

## SAFEHOUSE - AND A DA REQUEST

Children sexually abused in Albuquerque are interviewed at a Safehouse. The interview takes place in a child-friendly room with a professional interviewer. No leading questions are asked. The child is advised that a camera is filming the interview. The interviewer has a listening device to forward questions by people watching in an adjoining room.

DA's request field officers: During initial contacts, try to keep questions to a minimum. A good time to stop questioning is immediately after the child indicates he or she was sexually abused. When a child continues talking on his or her own initiative, just listen and take good notes. This will reduce multiple interviews of the same victim.

