STATE STATUTES
Current Through June 2014

Definitions of Child Abuse and Neglect

Child abuse and neglect are defined by Federal and State laws. At the State level, child abuse and neglect may be defined in both civil and criminal statutes. This publication presents civil definitions that determine the grounds for intervention by State child protective agencies.[1] At the Federal level, the Child Abuse Prevention and Treatment Act (CAPTA) defines child abuse and neglect as:

> Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm[2]

WHAT'S INSIDE

- Types of abuse
- Standards for reporting
- Persons responsible for the child
- Exceptions
- Summaries of State laws

To find statute information for a particular State, go to

https://www.childwelfare.gov/systemwide/laws_policies/state/

[1] States also may define child abuse and neglect in criminal statutes. These definitions provide the grounds for the arrest and prosecution of the offenders. For information on the criminal aspects of child abuse and neglect, visit the National Center for Prosecution of Child Abuse website: http://www.ndaa.org/ncpca.html

[2] CAPTA Reauthorization Act of 2010 (P.L. 111-320), § 3.

Child Welfare Information Gateway

Children's Bureau/ACYF/ACF/HHS
800.394.3366 | Email: info@childwelfare.gov | https://www.childwelfare.gov

Children's Bureau

The CAPTA definition of sexual abuse includes:

> The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or
>
> The rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children[3]

Types of Abuse

Nearly all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands provide civil definitions of child abuse and neglect in statute.[4] States recognize the different types of abuse in their definitions, including physical abuse, neglect, sexual abuse, and emotional abuse. Some States also provide definitions in statute for parental substance abuse and/or for abandonment as child abuse.

Physical Abuse

Physical abuse is generally defined as "any nonaccidental physical injury to the child" and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child. In approximately 38 States and American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, the definition of abuse also includes acts or circumstances that threaten the child with harm or create a substantial risk of harm to the child's health or welfare.[5] In four States, the crime of human trafficking, including labor trafficking, involuntary servitude, or trafficking of minors, is included in the definition of child abuse.[6]

Neglect

Neglect is frequently defined as the failure of a parent or other person with responsibility for the child to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm. Approximately 25 States, the District of Columbia, American Samoa, Puerto Rico, and the Virgin Islands include failure to educate the child as required by law in their definition of neglect.[7] Nine States and American Samoa specifically define medical neglect as failing to provide any special medical treatment or mental health care needed by the child.[8] In addition, four States define medical neglect as the withholding of medical treatment or nutrition from disabled infants with life-threatening conditions.[9]

Sexual Abuse/Exploitation

All States include sexual abuse in their definitions of child abuse. Some States refer in general terms to sexual abuse, while others specify various acts as sexual abuse. Sexual exploitation is an element of the definition of sexual abuse in most jurisdictions. Sexual exploitation includes allowing the child to engage in prostitution or in the production of child pornography. In seven States, the definition of sexual abuse includes human trafficking, including sex trafficking or trafficking of children for sexual purposes.[10]

Emotional Abuse

Almost all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands include emotional maltreatment

[3] 42 U.S.C.A. § 5106g(4) (2010).
[4] Massachusetts defines child abuse and neglect in regulation.
[5] The word "approximately" is used to stress the fact that the States frequently amend their laws. This information is current through May 2014. The States are Alabama, Alaska, Arkansas, California, Colorado, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.
[6] Hawaii, Illinois, Louisiana, and North Carolina.
[7] The States that define "failure to educate" as neglect include Arkansas, Colorado, Connecticut, Delaware, Idaho, Indiana, Kentucky, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, West Virginia, and Wyoming.
[8] Arkansas, Mississippi, Iowa, North Dakota, Ohio, Oklahoma, Tennessee, Texas, and West Virginia.
[9] Indiana, Kansas, Minnesota, and Montana.
[10] Florida, Louisiana, Maryland, Massachusetts, Minnesota, North Carolina, and Texas.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

as part of their definitions of abuse or neglect.[11] Approximately 33 States, the District of Columbia, the Northern Mariana Islands, and Puerto Rico provide specific definitions of emotional abuse or mental injury to a child.[12] Typical language used in these definitions is "injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition" and injury as evidenced by "anxiety, depression, withdrawal, or aggressive behavior."

Parental Substance Abuse

Parental substance abuse is an element of the definition of child abuse or neglect in some States.[13] Circumstances that are considered abuse or neglect in some States include:

- Prenatal exposure of a child to harm due to the mother's use of an illegal drug or other substance (14 States and the District of Columbia)[14]
- Manufacture of a controlled substance in the presence of a child or on the premises occupied by a child (12 States)[15]
- Allowing a child to be present where the chemicals or equipment for the manufacture of controlled substances are used or stored (three States)[16]
- Selling, distributing, or giving drugs or alcohol to a child (seven States and Guam)[17]
- Use of a controlled substance by a caregiver that impairs the caregiver's ability to adequately care for the child (eight States)[18]

[11] All States except Georgia and Washington.
[12] Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin, and Wyoming.
[13] For summaries of statutes and a more complete discussion of this issue, see Information Gateway's *Parental Drug Use as Child Abuse*: https://www.childwelfare.gov/systemwide/laws_policies/statutes/drugexposed.cfm
[14] Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Minnesota, North Dakota, Oklahoma, Oregon, South Dakota, and Wisconsin.
[15] Colorado, Indiana, Iowa, Montana, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, and Washington.
[16] Arizona, Arkansas, and Washington.
[17] Arkansas, Florida, Hawaii, Illinois, Minnesota, Ohio, and Texas.
[18] California, Delaware, Kentucky, Minnesota, New York, Oklahoma, Rhode Island, and Texas.

Abandonment

Approximately 17 States and the District of Columbia include abandonment in their definitions of abuse or neglect, generally as a type of neglect.[19] Approximately 18 States, Guam, Puerto Rico, and the Virgin Islands provide definitions for abandonment that are separate from the definition of neglect.[20] In general, it is considered abandonment of the child when the parent's identity or whereabouts are unknown, the child has been left by the parent in circumstances in which the child suffers serious harm, or the parent has failed to maintain contact with the child or to provide reasonable support for a specified period of time.

Standards for Reporting

Generally speaking, a report must be made when an individual knows or has reasonable cause to believe or suspect that a child has been subjected to abuse or neglect. In seven States, American Samoa, the Northern Mariana Islands, and the Virgin Islands, a report is required when the reporter knows that the child is being subjected to conditions or circumstances that would lead a reasonable person to believe could result in the child being abused or neglected.[21] These standards guide mandatory reporters in deciding whether to make a report to child protective services.

Persons Responsible for the Child

In addition to defining acts or omissions that constitute child abuse or neglect, several States' statutes provide specific definitions of persons who can be reported to child protective services as perpetrators of abuse or neglect. These persons have some relationship or regular responsibility for the child. This generally includes parents, guardians, foster parents, relatives, or other caregivers responsible for the child's welfare.

[19] California, Colorado, Connecticut, Illinois, Kentucky, Louisiana, Minnesota, Nevada, New Jersey, North Carolina, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, and Wyoming.
[20] Arizona, Arkansas, Florida, Idaho, Indiana, Kansas, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Carolina, and Texas.
[21] Arkansas, Hawaii, Idaho, Missouri, Nebraska, Utah, and Wyoming.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions

A number of States provide exceptions in their reporting laws that exempt certain acts or omissions from their statutory definitions of child abuse and neglect. For instance, in 12 States and the District of Columbia, financial inability to provide for a child is exempted from the definition of neglect.[22] In 17 States, the District of Columbia, American Samoa, and the Northern Mariana Islands, physical discipline of a child, as long as it is reasonable and causes no bodily injury to the child, is an exception to the definition of abuse.[23]

CAPTA specifies that nothing in the Act should be construed as establishing a Federal requirement that a parent or legal guardian provide any medical service or treatment that is against the religious beliefs of the parent or legal guardian (42 U.S.C. § 5106i). At the State level, 31 States, the District of Columbia, Guam, and Puerto Rico provide in their civil child abuse reporting laws an exception to the definition of child abuse and neglect for parents who choose not to seek medical care for their children due to religious beliefs.[24] However, 16 of the 31 States and Puerto Rico authorize the court to order medical treatment for the child when the child's condition warrants intervention.[25] Three States specifically provide an exception for Christian Science treatment.[26] Seven States require mandated reporters to report instances when a child is not receiving medical care so that an investigation can be made.[27]

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Suggested citation:

Child Welfare Information Gateway. (2014). *Definitions of child abuse and neglect*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

[22] Arkansas, Florida, Kansas, Louisiana, Massachusetts, New Hampshire, North Dakota, Pennsylvania, Texas, Washington, West Virginia, and Wisconsin.
[23] Arkansas, California, Colorado, Florida, Georgia, Indiana, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, and Washington.
[24] Alabama, Alaska, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Pennsylvania, Utah, Vermont, Virginia, and Wyoming.
[25] Alabama, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nevada, Ohio, Oklahoma, and Pennsylvania.
[26] Arizona, Connecticut, and Washington.
[27] Florida, Michigan, Minnesota, Missouri, Ohio, Oklahoma, and Pennsylvania.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway. Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Alabama

Physical Abuse
Citation: Ala. Code § 26-14-1(1)-(3)

'Abuse' means harm or threatened harm to the health or welfare of a child through:

- Nonaccidental physical injury
- Sexual abuse or attempted sexual abuse
- Sexual exploitation or attempted sexual exploitation

Neglect
Citation: Ala. Code § 26-14-1(1)-(3)

'Neglect' means negligent treatment or maltreatment of a child, including the failure to provide adequate food, clothing, shelter, medical treatment, or supervision.

Sexual Abuse/Exploitation
Citation: Ala. Code § 26-14-1(1)-(3)

'Sexual abuse' includes:

- The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or to have a child assist any other person to engage in sexually explicit conduct
- Any simulation of the conduct for the purpose of producing a visual depiction of the conduct
- The rape, molestation, prostitution, or other form of sexual exploitation of children
- Incest with children

'Sexual exploitation' includes:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, encouraging, or engaging in obscene or pornographic photographing, filming, or depicting a child for commercial purposes

Emotional Abuse
Citation: Ala. Code § 26-14-1(1)-(3)

The term 'abuse' includes nonaccidental mental injury.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ala. Code § 26-14-3

A report is required when a mandatory reporter knows or suspects a child is a victim of child abuse or neglect.

Persons Responsible for the Child
Citation: Ala. Code § 26-14-7.2

Responsible persons include the child's parent or legal guardian.

Exceptions
Citation: Ala. Code § 26-14-7.2

A parent who fails to provide medical treatment to a child due to the legitimate practice of religious beliefs shall not be considered negligent for that reason alone. This exception shall not preclude a court from ordering that medical services be provided to the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Alaska

Physical Abuse
Citation: Alaska Stat. § 47.17.290

'Child abuse or neglect' means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under age 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened.

'Maltreatment' means an act or omission that results in circumstances in which there is reasonable cause to suspect that a child may be a child in need of aid, as described in § 47.10.011, except that for purposes of this chapter, the act or omission need not have been committed by the child's parent, custodian, or guardian.

Neglect
Citation: Alaska Stat. § 47.17.290

'Neglect' means the failure of the person responsible for the child's welfare to provide the child necessary food, care, clothing, shelter, or medical attention.

Sexual Abuse/Exploitation
Citation: § 47.17.290

'Child abuse or neglect' includes sexual abuse or sexual exploitation.

'Sexual exploitation' includes the following conduct by a person responsible for the child's welfare:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, or encouraging a child to engage in actual or simulated activities of a sexual nature that are prohibited by criminal statute

Emotional Abuse
Citation: Alaska Stat. § 47.17.290

'Mental injury' means a serious injury to the child as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner and the existence of that impairment is supported by the opinion of a qualified expert witness.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Alaska Stat. § 47.17.020

A report is required when a mandatory reporter, in the performance of his or her occupational duties, has reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect.

Persons Responsible for the Child
Citation: Alaska Stat. § 47.17.290

A 'person responsible for the child's welfare' includes:

- The child's parent, guardian, or foster parent
- The person responsible for the child's care at the time of the alleged child abuse or neglect
- The person responsible for the child's welfare in a public or private residential agency or institution

Exceptions
Citation: Alaska Stat. § 47.17.020(d)

A religious healing practitioner is not required to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

American Samoa

Physical Abuse
Citation: Ann. Code § 45.2001(a)(1)

'Abuse' or 'child abuse or neglect' means an act or omission that can include:

- Serious bruising, bleeding, malnutrition, failure to thrive, burns, fracture of a bone, subdural hematoma, soft tissue swelling, or death
- A condition or death that is not justifiably explained, or where the history given concerning the condition or death is at variance with the degree or type of condition or death, or circumstances indicate that the condition or death may not be the result of an accidental occurrence

Neglect
Citation: Ann. Code §§ 45.2001(a)(1); 45.0103(19)

'Abuse' or 'child abuse or neglect' means any case in which the child's parents, legal guardians, custodians, or any other person responsible for the child's health and welfare fail to take action to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

'Neglected or dependent child' means a child:

- Whose parent, guardian, or legal custodian has abandoned him or her or has subjected him or her to mistreatment or abuse, or whose parent, guardian, or legal custodian has allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and to prevent it from recurring
- Who lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian
- Whose environment is injurious to his or her welfare
- Whose parent, guardian, or legal custodian fails or refuses to provide proper or necessary subsistence, education, medical care, or other care necessary for his or her health, guidance, or well-being
- Who is homeless, without proper care, or not domiciled with his or her parent, guardian, or legal custodian through no fault of his or her parent, guardian, or legal custodian

Sexual Abuse/Exploitation
Citation: Ann. Code § 45.2001(a)(1)

The terms 'abuse' or 'child abuse or neglect' include acts or omissions that include when a child is:

- Subjected to sexual offenses, including rape, sexual assault, sexual abuse, or indecent exposure
- Allowed, permitted, or encouraged to engage in prostitution
- Allowed, permitted, or encouraged to be the subject of obscene or pornographic photographing, filming, or depicting

Emotional Abuse
Citation: Ann. Code § 45.2001(a)(1)

The terms 'abuse' or 'child abuse or neglect' include mental injury.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Code § 45.2002

A report is required when the reporter has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Code § 45.2001(a)(1)

Responsible persons include:

- A child's parent, legal guardian, or custodian
- Any employee of a residential facility
- Any staff person providing out-of-home care or under any other settings in which children are provided care
- Any other person responsible for the child's health and welfare

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions
Citation: Ann. Code §§ 45.2001(a)(1); 45.0103(20)

Those investigating child abuse must take into account accepted child-rearing practices of the culture in which the child participates.

Reasonable exercise of parental discipline is not considered abuse. 'Normal parental discipline' means all actions by parents, such as administration of blows by hand, strap, or light switch upon the buttocks, or any firm handling, scolding, or light taps, insufficient to seriously bruise or produce medical injury or disability.

Arizona

Physical Abuse
Citation: Rev. Stat. § 8-201

'Abuse' means:

- Inflicting or allowing physical injury, impairment of bodily function, or disfigurement
- Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic, or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug
- Unreasonable confinement of a child

'Serious physical injury' means an injury that is diagnosed by a medical doctor and that does any one or a combination of the following:

- Creates a reasonable risk of death
- Causes serious or permanent disfigurement
- Causes significant physical pain
- Causes serious impairment of health
- Causes the loss or protracted impairment of an organ or limb
- Is the result of sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, child prostitution, commercial sexual exploitation of a minor, sexual exploitation, or incest

Neglect
Citation: Rev. Stat. § 8-201

'Neglect' or 'neglected' means:

- The inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare
- Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic, or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug
- A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance listed in § 13-3401 and that this exposure was not the result of a medical treatment administered to the mother or the newborn infant by a health professional
- A diagnosis by a health professional of an infant under age 1 with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects

The determination by a health professional of prenatal exposure to a controlled substance shall be based on one or more of the following:

- Clinical indicators in the prenatal period, including maternal and newborn presentation
- History of substance use or abuse
- Medical history
- Results of a toxicology or other laboratory test on the mother or the newborn infant

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 8-201

The term 'abuse' includes:

- Inflicting or allowing sexual abuse
- Sexual conduct with a minor
- Sexual assault
- Molestation of a child
- Commercial sexual exploitation of a minor
- Sexual exploitation of a minor
- Incest
- Child prostitution

The term 'neglect' includes:

- Deliberate exposure of a child by a parent, guardian, or custodian to sexual conduct, as defined in § 13-3551; sexual contact; oral sexual contact; sexual intercourse; bestiality; or explicit sexual materials
- Any of the following acts committed by the child's parent, guardian, or custodian with reckless disregard as to whether the child is physically present:
  - Sexual contact
  - Oral sexual contact
  - Sexual intercourse
  - Bestiality

Emotional Abuse
Citation: Rev. Stat. § 8-201

The term 'abuse' includes inflicting or allowing another person to cause serious emotional damage to a child, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior, and such emotional damage is diagnosed by a medical doctor or psychologist, and the damage has been caused by the acts or omissions of an individual having care, custody, and control of a child.

'Serious emotional injury' means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:

- Seriously impairs mental faculties
- Causes serious anxiety, depression, withdrawal, or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment
- Is the result of sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, child prostitution, commercial sexual exploitation of a minor, sexual exploitation of a minor, or incest

Abandonment
Citation: Rev. Stat. § 8-201

'Abandoned' means:

- The failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision
- That a parent has made only minimal efforts to support and communicate with the child

Failure to maintain a normal parental relationship with the child without just cause for a period of 6 months shall constitute prima facie evidence of abandonment.

Standards for Reporting
Citation: Rev. Stat. § 13-3620

A report is required when a mandatory reporter reasonably believes that a child is or has been the victim of physical injury, abuse, or child abuse, a reportable offense (including child pornography, child prostitution, or incest), or neglect that appears to have been inflicted on the child by other than accidental means or that is not explained by the available medical history as being accidental in nature, or the person reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Rev. Stat. § 8-201

Responsible persons include:

- The parent
- A person having care, custody, and control of a child

Exceptions
Citation: Rev. Stat. § 8-201

A dependent child does not include a child who, in good faith, is being furnished Christian Science treatment by a duly accredited practitioner.

A child is not considered neglected if a parent's inability to meet the needs of the child is due solely to the unavailability of reasonable services.

Arkansas

Physical Abuse
Citation: Ann. Code § 12-18-103

'Abuse' means any of the following acts or omissions:

- Extreme or repeated cruelty to a child
- Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ
- Any injury that is at variance with the history given
- Any nonaccidental physical injury
- Any of the following intentional or knowing acts:
  - Throwing, kicking, burning, biting, or cutting a child
  - Striking a child with a closed fist
  - Shaking a child
  - Striking a child on the face or head
- Any of the following acts, with or without physical injury:
  - Striking a child age 6 or younger on the face or head
  - Shaking a child age 3 or younger
  - Interfering with a child's breathing
  - Pinching, biting, or striking a child in the genital area
  - Tying a child to a fixed or heavy object or binding or tying a child's limbs together
  - Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions
  - Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, marijuana, alcohol, a narcotic, or an over-the-counter drug if a person purposely administers an overdose to a child
  - Exposing a child to a chemical that has the capacity to interfere with normal physiological functions, including, but not limited to, a chemical used or generated during the manufacture of methamphetamine
  - Subjecting a child to Munchausen syndrome by proxy or a factitious illness by proxy if the incident is confirmed by medical personnel

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Code § 12-18-103

'Neglect' means those acts or omissions that constitute:

- Failure or refusal to prevent the abuse of the child when the person knows or should know the child is or has been abused
- Failure or refusal to provide the food, clothing, shelter, or medical treatment necessary for the child's well-being
- Failure to take reasonable action to protect the child from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness when the existence of the condition was known or should have been known
- Failure or inability to provide for the essential and necessary physical, mental, or emotional needs of the child, including the failure to provide a shelter that does not pose a risk to the health or safety of the child
- Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care
- Failure, although able, to assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility
- Failure to appropriately supervise the child that results in the child's being left alone at an inappropriate age or in inappropriate circumstances creating a dangerous situation or a situation that puts the child at risk of harm
- Failure to ensure a child between age 6 and 17 is enrolled in school or is being legally home schooled, or the child is habitually absent from school as a result of an act or omission by the child's parent

Neglect also shall include:

- Causing a child to be born with an illegal substance present in the child's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the child's birth
- The presence of an illegal substance at the time of the birth of a child in the mother's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the child's birth

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Code § 12-18-103

'Sexual abuse' means:

- By a person age 14 or older to a person younger than age 18:
  - Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion
  - Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion
  - Indecent exposure
  - Forcing the watching of pornography or live sexual activity
- By a person age 18 or older to a person not his or her spouse who is younger than age 15, or by a person age 20 or older to person not his or her spouse age 16 or younger:
  - Sexual intercourse, deviate sexual activity, or sexual contact
  - Attempted sexual intercourse, deviate sexual activity, or sexual contact
  - Solicitation of sexual intercourse, deviate sexual activity, or sexual contact
- By a caregiver to a person younger than age 18:
  - Sexual intercourse, deviate sexual activity, or sexual contact
  - Attempted sexual intercourse, deviate sexual activity, or sexual contact
  - Forcing or encouraging the watching of pornography
  - Forcing, permitting, or encouraging the watching of live sexual activity
  - Forcing the listening to a phone sex line
  - An act of voyeurism
- By a person younger than age 14 to a person younger than age 18:
  - Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion
  - Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion

'Sexual contact' means an act of sexual gratification involving:

- Touching, directly or through clothing, the sex organs, buttocks, or anus of a person or the breast of a female
- Encouraging of a child to touch the offender in a sexual manner
- The offender requesting to touch a child in a sexual manner

'Sexual exploitation' means:

- Allowing, permitting, or encouraging participation or depiction of the child in prostitution, obscene photography, or obscene filming
- Obscenely depicting, posing, or posturing a child for any use or purpose

Emotional Abuse
Citation: Ann. Code § 12-18-103

The term 'abuse' includes acts or omissions that result in injury to a child's intellectual, emotional, or psychological development, as evidenced by observable and substantial impairment of the child's ability to function within the child's normal range of performance and behavior.

Abandonment
Citation: Ann. Code § 12-18-103

'Abandonment' means:

- The failure of a parent to provide reasonable support
- The failure of a parent to maintain regular contact with a child through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future
- The failure of a parent to support or maintain regular contact with a child without just cause
- An articulated intent to forego parental responsibility

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Standards for Reporting
Citation: Ann. Code § 12-18-402

A mandatory reporter shall immediately notify the child abuse hotline if he or she:

- Has reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment
- Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment

Persons Responsible for the Child
Citation: Ann. Code § 12-18-103

A responsible person includes:

- A parent, guardian, custodian, or foster parent
- A person age 18 or older living in the home with a child, whether related or unrelated to the child
- Any person who is entrusted with the child's care by a parent, guardian, custodian, or foster parent, including, but not limited to:
  - An agent or employee of a public or private residential home, child care facility, or public or private school
  - A significant other of the child's parent
  - Any person legally responsible for the child's welfare

The term 'significant other' means a person with whom the parent shares a household or who has a relationship with the parent that results in the person acting in loco parentis with respect to the parent's child or children, regardless of living arrangements.

Exceptions
Citation: Ann. Code § 12-18-103

Abandonment does not include acts or omissions of a parent toward a married minor.

Abuse does not include:

- Physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child
- When a child suffers transient pain or minor temporary marks as the result of an appropriate restraint if:
  - The person exercising the restraint is an employee of a licensed child welfare agency acting in his or her official capacity while on duty.
  - The agency has policy and procedures regarding restraints.
  - No other alternative exists to control the child except for a restraint.
  - The child is in danger or hurting himself or herself or others.
  - The person exercising the restraint has been trained in properly restraining children, deescalation, and conflict resolution techniques.
  - The restraint is for a reasonable period of time.
  - The restraint is in conformity with training and agency policy and procedures.

Reasonable and moderate physical discipline inflicted by a parent or guardian does not include any act that is likely to cause and that does cause injury more serious than transient pain or minor temporary marks. The age, size, and condition of the child, the location of the injury, and the frequency or recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.

The term 'sexual contact' does not include normal affectionate hugging.

It is not considered neglect when the failure to provide appropriate care is caused primarily by the financial inability of the person legally responsible, and no services for relief have been offered.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

California

Physical Abuse
Citation: Welf. & Inst. Code § 300

A child may be considered dependent when:

- The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm.
- The child is younger than age 5 and has suffered severe physical abuse by a parent or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child.
- The child's parent or guardian caused the death of another child through abuse or neglect.
- The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.

For the purposes of this subdivision, 'severe physical abuse' means:

- Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death
- Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling
- More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness
- The willful, prolonged failure to provide adequate food

Neglect
Citation: Welf. & Inst. Code § 300

A child may be considered dependent when:

- The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of:
  - The failure or inability of the parent or guardian to adequately supervise or protect the child
  - The willful or negligent failure of the parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left
  - The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment
  - The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse
- The child's sibling has been abused or neglected, and there is a substantial risk that the child will be abused or neglected. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Welf. & Inst. Code § 300; Penal Code § 11165.1

A child is considered dependent if he or she has been sexually abused; there is a substantial risk that the child will be sexually abused, as defined in § 11165.1 of the Penal Code, by his or her parent, guardian, or a household member; or the parent or guardian has failed to adequately protect the child from sexual abuse when the parent or guardian knew or reasonably should have known that the child was in danger of sexual abuse.

'Sexual abuse' means sexual assault or sexual exploitation as defined below:

- 'Sexual assault' includes rape, incest, sodomy, lewd or lascivious acts upon a child, or child molestation.
- 'Sexual exploitation' refers to any of the following:
  - Depicting a minor engaged in obscene acts; preparing, selling, or distributing obscene matter that depicts minors; employing a minor to perform obscene acts
  - Knowingly permitting or encouraging a child to engage in, or assisting others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction involving obscene sexual conduct
  - Depicting a child in, or knowingly developing, duplicating, printing, or exchanging any film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct

Emotional Abuse
Citation: Welf. & Inst. Code § 300

A child is considered dependent if he or she is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian, or who has no parent or guardian capable of providing appropriate care. No child shall be found to be a dependent person if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

Abandonment
Citation: Welf. & Inst. Code § 300

A child is considered dependent when:

- The child has been left without any provision for support.
- Physical custody of the child has been voluntarily surrendered pursuant to § 1255.7 of the Health and Safety Code, and the child has not been reclaimed within the 14-day period specified in subdivision (e) of that section.
- The child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child.
- A relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.
- The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights, or an adoption petition has not been granted.

Standards for Reporting
Citation: Penal Code § 11166

A mandatory reporter shall make a report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

The term 'reasonable suspicion' means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. 'Reasonable suspicion' does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any 'reasonable suspicion' is sufficient.

Persons Responsible for the Child
Citation: Welf. & Inst. Code § 300

A person responsible for a child's welfare includes the child's parent or guardian. As used in this section, 'guardian' means the legal guardian of the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions
Citation: Welf. & Inst. Code §§ 300; 300.5

Serious physical harm does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.

No child shall be found to be dependent solely due to the lack of an emergency shelter for the family.

A physical disability, such as blindness or deafness, is not considered a bar to raising happy and well-adjusted children unless a parent's disability prevents him or her from exercising care and control.

A child whose parent has been adjudged a dependent child shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

In any case in which a child is alleged to be dependent on the basis that he or she is in need of medical care, the court, in making that finding, shall give consideration to any treatment being provided to the child by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof.

Colorado

Physical Abuse
Citation: Rev. Stat. § 19-1-103

'Abuse' or 'child abuse or neglect' means an act or omission that threatens the health or welfare of a child in one of the following categories:

- Skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and:
  - The condition or death is not justifiably explained.
  - The history given concerning the condition is at variance with the degree or type of such condition or death.
  - The circumstances indicate that the condition may not be the result of an accidental occurrence.
- A controlled substance is manufactured in the presence of a child, on the premises where a child is found, or where a child resides.
- A child tests positive at birth for either a schedule I or schedule II controlled substance, unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed.

Neglect
Citation: Rev. Stat. §§ 19-1-103; 19-3-102

The term 'child abuse or neglect' includes any case in which a child is in need of services because the child's parent has failed to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

A child is 'neglected' or 'dependent' if:

- The parent, guardian, or legal custodian has subjected the child to mistreatment or abuse or has allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
- The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
- The child's environment is injurious to his or her welfare.
- The parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other necessary care.
- The child is homeless, without proper care, or not domiciled with his or her parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian.
- The child has run away from home or is otherwise beyond the control of his or her parent, guardian, or legal custodian.
- The child tests positive at birth for either a schedule I or schedule II controlled substance, unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 19-1-103

'Abuse' or 'child abuse or neglect' occurs when a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution.

'Sexual conduct' includes any of the following:

- Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals
- Penetration of the vagina or rectum by any object
- Masturbation
- Sexual sadomasochistic abuse

Emotional Abuse
Citation: Rev. Stat. § 19-1-103

The terms 'abuse' or 'child abuse or neglect' include any case in which a child is subjected to emotional abuse. 'Emotional abuse' means an identifiable and substantial impairment or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

Abandonment
Citation: Rev. Stat. § 19-3-102

A child is 'neglected' or 'dependent' if a parent, guardian, or legal custodian has abandoned the child.

Standards for Reporting
Citation: Rev. Stat. § 19-3-304

A report is required when a mandatory reporter has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect.

Persons Responsible for the Child
Citation: Rev. Stat. § 19-1-103

'Responsible person' means a child's parent, legal guardian, custodian, or any other person responsible for the child's health and welfare.

'Spousal equivalent' means a person who is in a family-type living arrangement with a parent and who would be a stepparent if married to that parent.

Exceptions
Citation: Rev. Stat. §§ 19-1-103; 19-3-103

Those investigating cases of child abuse shall take into account child-rearing practices of the culture in which the child participates, including the work-related practices of agricultural communities.

The reasonable exercise of parental discipline is not considered abuse.

No child who, in lieu of medical treatment, is under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing shall, for that reason only, be considered neglected. The religious rights of the parent shall not limit the access of a child to medical care in a life-threatening situation.

Connecticut

Physical Abuse
Citation: Gen. Stat. § 46b-120

The term 'abused' means that a child or youth:

- Has been inflicted with physical injury or injuries by other than accidental means
- Has injuries that are at variance with the history given of them
- Is in a condition that is the result of maltreatment that includes, but is not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Gen. Stat. § 46b-120

A child or youth may be found 'neglected' who, for reasons other than being impoverished:

- Has been abandoned
- Is being denied proper physical, educational, emotional, or moral care and attention
- Is being permitted to live under conditions, circumstances, or associations injurious to the well-being of the child or youth
- Has been abused

A child or youth may be found 'uncared for' who is homeless or whose home cannot provide the specialized care that the physical, emotional, or mental condition of the child requires.

Sexual Abuse/Exploitation
Citation: Gen. Stat. § 46b-120

The term 'abuse' includes sexual molestation or exploitation.

Emotional Abuse
Citation: Gen. Stat. § 46b-120

The term 'abuse' includes emotional maltreatment.

Abandonment
Citation: Gen. Stat. § 46b-120

A child or youth may be found 'neglected' who has been abandoned.

Standards for Reporting
Citation: Gen. Stat. § 17a-101a

A report is required when a mandatory reporter, in the ordinary course of his or her employment or profession, has reasonable cause to suspect or believe that any child under age 18:

- Has been abused or neglected
- Has suffered a nonaccidental physical injury or an injury that is at variance with the history given of such injury
- Is placed at imminent risk of serious harm

Persons Responsible for the Child
Citation: Gen. Stat. § 46b-120

Responsible persons include the child's parents or guardian.

Exceptions
Citation: Gen. Stat. § 46b-120

The treatment of any child by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment.

Delaware

Physical Abuse
Citation: Ann. Code Tit. 16, § 902; Tit. 10, § 901

'Abuse' or 'abused child' means that a person has care, custody, or control of a child and causes or inflicts:

- Physical injury through unjustified force
- Emotional abuse
- Torture
- Exploitation
- Maltreatment or mistreatment

'Mistreatment' or 'maltreatment' are behaviors that inflict unnecessary or unjustifiable pain or suffering on a child without causing physical injury. Behaviors included will consist of actions and omissions, ones that are intentional, and ones that are unintentional.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Code Tit. 16, § 902; Tit. 10, § 901

'Neglect' or 'neglected child' means that a person who is responsible for the care, custody, and/or control of the child and has the ability and financial means to provide for the care of the child:

- Fails to provide necessary care with regard to food, clothing, shelter, education, health, medical, or other care necessary for the child's emotional, physical, or mental health, or safety and general well-being
- Chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being
- Fails to provide necessary supervision appropriate for a child when the child is unable to care for his or her own basic needs or safety, after considering such factors as the child's age, mental ability, physical condition, the length of the caregiver's absence, and the context of the child's environment

Sexual Abuse/Exploitation
Citation: Ann. Code Tit. 16, § 902; Tit. 10, § 901

'Abuse' or 'abused child' means that a person causes or inflicts sexual abuse on a child.

'Sexual abuse' means any act against a child that is described as a sex offense in § 761(h) of Title 11, including, but not limited to, unlawful sexual contact, child pornography, promoting child prostitution, and incest.

'Exploitation' means taking advantage of a child for unlawful or unjustifiable personal or sexual gain.

Emotional Abuse
Citation: Ann. Code Tit. 10, § 901

The term 'abuse' includes emotional abuse. 'Emotional abuse' means threats to inflict undue physical or emotional harm, and/or chronic or recurring incidents of ridiculing, demeaning, making derogatory remarks, or cursing.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Code Tit. 16, § 903

A report is required when any person knows or in good faith suspects child abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Code Tit. 16, § 902; Tit. 10, § 901

'Care, custody, and control' or 'those responsible for care, custody, and control' means a person or persons in a position of trust, authority, supervision, or control over a child. It may include:

- A parent, guardian, or custodian
- Other members of the child's family or household, meaning persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence, and may include persons who previously lived in the household such as paramours of a member of the child's household
- Any person who, regardless of whether a member of the child's household, is defined as family or relatives
- Persons temporarily responsible for the child's well-being or care such as a health-care provider, aide, teacher, instructor, coach, sitter, daycare or child care provider, or any other person having regular direct contact with children through affiliation with a school, church, or religious institution, health-care facility, athletic or charitable organization, or any other organization whether such a person is compensated or acting as a volunteer
- Any person who has assumed control of or responsibility for the child

Exceptions
Citation: Ann. Code Tit. 16, § 913

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the practices of a recognized church or religious denomination shall for that reason alone be considered neglected.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

District of Columbia

Physical Abuse
Citation: Ann. Code § 16-2301

'Abused,' when used in reference to a child, means:

- Infliction of physical or mental injury
- Sexual abuse or exploitation
- Negligent treatment or maltreatment

Neglect
Citation: Ann. Code § 16-2301

'Neglected child' means a child:

- Whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child
- Who is without proper parental care or control, subsistence, education, or other care or control necessary for his or her physical, mental, or emotional health
- Whose parent, guardian, or other custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity
- Whose parent, guardian, or custodian refuses or is unable to assume responsibility for the child's care, control, or subsistence and the person or institution providing for the child states an intention to discontinue such care
- Who is in imminent danger of being abused and another child living in the same household has been abused
- Who has received negligent treatment or maltreatment
- Who has resided in a hospital located in the District of Columbia for at least 10 calendar days following his or her birth, despite a medical determination that the child is ready for discharge from the hospital, and the parent has not taken any action or made any effort to maintain a parental, guardianship, or custodial relationship or contact with the child
- Who is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth
- In whose body there is a controlled substance as a direct and foreseeable consequence of the acts or omissions of the child's parent
- Who is regularly exposed to illegal drug-related activity in the home

'Negligent treatment' or 'maltreatment' means failure to provide adequate food, clothing, shelter, or medical care that includes medical neglect, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or other custodian.

Sexual Abuse/Exploitation
Citation: Ann. Code § 16-2301

'Sexual abuse' means:

- Engaging in, or attempting to engage in, a sexual act or sexual contact with a child
- Causing or attempting to cause a child to engage in sexually explicit conduct
- Exposing the child to sexually explicit conduct

The term 'sexually explicit conduct' means actual or simulated sexual acts; sexual contact; bestiality; masturbation; or lascivious exhibition of the genitals, anus, or pubic area.

'Sexual exploitation' occurs when a parent, guardian, or other custodian allows a child to engage in prostitution, or engages a child or allows a child to engage in obscene or pornographic photography, filming, or other forms of illustrating or promoting sexual conduct.

Emotional Abuse
Citation: Ann. Code § 16-2301

'Mental injury' means harm to a child's psychological or intellectual functioning that may be exhibited by severe anxiety, depression, withdrawal, outwardly aggressive behavior, or a combination of those behaviors, and that may be demonstrated by a change in behavior, emotional response, or cognition.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Ann. Code § 16-2301

The term 'neglected child' includes a child who has been abandoned by his or her parent, guardian, or custodian.

Standards for Reporting
Citation: Ann. Code § 4-1321.02

A report is required when a mandatory reporter knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child.

Persons Responsible for the Child
Citation: Ann. Code § 16-2301

Responsible persons include a parent, guardian, or custodian.

Exceptions
Citation: Ann. Code § 16-2301

It is not neglect when the child's deprivation of parental care and control is due to a lack of financial means.

No child who in good faith is under treatment solely by spiritual means through prayer, in accordance with the practices of a recognized church or religious denomination by a duly accredited practitioner, shall for that reason alone be considered neglected.

The term 'abused' does not include parental discipline as long as the discipline is reasonable in manner and moderate in degree, and otherwise does not constitute cruelty. The term 'discipline' does not include:

- Burning, biting, or cutting a child
- Striking a child with a closed fist
- Inflicting injury to a child by shaking, kicking, or throwing the child
- Nonaccidental injury to a child younger than 18 months
- Interfering with a child's breathing
- Threatening a child with a dangerous weapon or using such a weapon on a child

The above list is illustrative of unacceptable discipline and is not intended to be exclusive or exhaustive.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Florida

Physical Abuse
Citation: Ann. Stat. § 39.01

'Abuse' means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause a child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions.

'Harm' to a child's health or welfare can occur when a person:

- Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury
- Purposely gives a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury
- Leaves a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition
- Uses inappropriate or excessively harsh discipline that is likely to result in physical injury, mental injury as defined in this section, or emotional injury
- Commits or allows to be committed sexual battery against the child
- Allows, encourages, or forces the sexual exploitation of a child
- Abandons the child
- Neglects the child
- Exposes a child to a controlled substance or alcohol
- Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child
- Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child
- Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another
- Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect
- Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian, or caregiver was fleeing from a situation involving domestic violence

Neglect
Citation: Ann. Stat. § 39.01

'Neglect' occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment; or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

Neglect of a child includes acts or omissions.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 39.01

'Sexual abuse of a child' means one or more of the following acts:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen
- Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person
- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, not including any act intended for a valid medical purpose
- The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, not including:
  - » An act that may reasonably be construed to be a normal caregiver responsibility or any interaction with or affection for a child
  - » An act intended for a valid medical purpose
- The intentional masturbation of the perpetrator's genitals in the presence of a child
- The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose
- The sexual exploitation of a child, including:
  - » A child offering to engage in or engaging in prostitution
  - » Allowing, encouraging, or forcing a child to solicit for or engage in prostitution, engage in a sexual performance, or participate in the trade of sex trafficking

'Harm' to a child can occur when any person:

- Commits or allows to be committed sexual battery or lewd acts against the child
- Allows, encourages, or forces the sexual exploitation of a child, including engaging in prostitution or a sexual performance
- Exploits a child or allows a child to be exploited

Emotional Abuse
Citation: Ann. Stat. § 39.01

'Mental injury' means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

Abandonment
Citation: Ann. Stat. § 39.01

'Abandoned' or 'abandonment' occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, makes no provision for the child's support and has failed to establish or maintain a substantial and positive relationship with the child.

For purposes of this subsection, 'establish or maintain a substantial and positive relationship' includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child.

The term does not include a surrendered newborn infant as described in § 383.50, a 'child in need of services' or a 'family in need of services' as defined in chapter 984. The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

Standards for Reporting
Citation: Ann. Stat. § 39.201

A report is required when any person knows, or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Ann. Stat. § 39.01

Responsible persons include the child's parent or legal custodian or, in the absence of the parent or legal custodian, the child's caregiver. The term 'caregiver' includes the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare.

'Other person responsible for a child's welfare' includes:

- The child's legal guardian or foster parent
- An employee of a private school, public or private child daycare center, residential home, institution, facility, or agency
- A law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice
- Any other person legally responsible for the child's welfare in a residential setting
- An adult sitter or relative entrusted with a child's care

Exceptions
Citation: Ann. Stat. § 39.01

Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

It shall not be considered neglect if failure to provide for the child is caused primarily by financial inability unless actual services for relief have been offered to and rejected by the parent.

A parent legitimately practicing religious beliefs in accordance with a recognized church or religious organization who does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent. This exception does not:

- Eliminate the requirement that such a case be reported to the Department of Children and Family Services
- Prevent the department from investigating such a case
- Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization

Georgia

Physical Abuse
Citation: Ann. Code § 19-7-5(b)

'Child abuse' means physical injury or death inflicted upon a child by a parent or caregiver by other than accidental means.

Neglect
Citation: Ann. Code § 19-7-5(b)

The term 'child abuse' includes neglect or exploitation of a child by a parent or caregiver.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Code § 19-7-5(b)

'Sexual abuse' occurs when a person employs, uses, persuades, induces, entices, or coerces a minor who is not that person's spouse to engage in any act that involves:

- Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex
- Bestiality or masturbation
- Lewd exhibition of the genitals or pubic area of any person
- Flagellation or torture by or upon a person who is nude
- Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude
- Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts
- Defecation or urination for the purpose of sexual stimulation
- Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure

'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires a child to engage in prostitution or sexually explicit conduct for the purpose of producing a visual or print medium depicting such conduct.

Emotional Abuse

This issue is not addressed in the statutes reviewed.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Code § 19-7-5(b)

A report is required when a mandatory reporter has reasonable cause to believe that a child has been abused.

Persons Responsible for the Child
Citation: Ann. Code § 19-7-5(b)

The term 'responsible person' includes the parent or caregiver.

Exceptions
Citation: Ann. Code § 19-7-5(b)

Physical forms of discipline may be used as long as there is no physical injury to the child.

No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an abused child.

Sexual abuse does not include consensual sex acts between persons of the opposite sex who are minors or a minor and adult who is no more than 5 years older than the minor.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Guam

Physical Abuse
Citation: Ann. Code Tit. 19, § 13101

'Abused or neglected child' means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person or persons responsible for the child's welfare.

'Harm to a child's physical health or welfare' occurs in cases in which there exists evidence of injury, including but not limited to:

- A case in which the child exhibits evidence of skin bruising or other internal bleeding, an injury to skin causing bleeding, burns, poisoning, fracture of any bone, subdural hematoma, soft tissue swelling, extreme pain, or death
- Disfigurement or impairment of a bodily organ, and such injury is inflicted by other than accidental means, by excessive corporal punishment, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death
- A case in which the child is provided with a controlled substance, except for drugs prescribed by a medical practitioner

Neglect
Citation: Ann. Code Tit. 19, § 13101

The term 'abused or neglected child' includes a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person or persons responsible for the child's welfare.

'Harm to a child's physical health or welfare' includes a case in which the physical health of the child is adversely affected because the person responsible for the child's welfare has not regularly and in a timely manner provided the child with adequate food, clothing, shelter, psychological care, physical care, health care, or supervision, when able to financially or if offered financial assistance, health care, or other reasonable means to do so.

Sexual Abuse/Exploitation
Citation: Ann. Code Tit. 19, § 13101

'Harm to a child's physical health or welfare' occurs in a case in which there exists evidence of injury, including but not limited to a case in which the child has been the victim of a sexual offense, as defined in the Criminal and Correctional Code.

Emotional Abuse
Citation: Ann. Code Tit. 19, § 13101

The term 'abused or neglected child' includes a child whose mental health or welfare is harmed or threatened with harm by the acts or omissions of the person or persons responsible for the child's welfare.

'Harm' occurs when there exists injury to the psychological capacity of a child such as failure to thrive, extreme mental distress, or gross emotional or verbal degradation, as is evidenced by an observable and substantial impairment in the child's ability to function within a normal range of performance with due regard to the child's culture.

Abandonment
Citation: Ann. Code Tit. 19, § 13101

'Abandonment' means the desertion or willful forsaking of a minor by the person responsible for the child's welfare under circumstances in which a reasonable person would continue to provide care or custody.

The term 'harm' includes a case in which the child has been abandoned.

Standards for Reporting
Citation: Ann. Code Tit. 19, § 13201

A report is required when a mandatory reporter who comes into contact with children in the course of his or her employment, occupation, or practice of his or her profession has reason to suspect on the basis of his or her medical, professional, or other training and experience that a child is an abused or neglected child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Ann. Code Tit. 19, § 13101

A 'person responsible for the child's welfare' includes:

- The child's parent, guardian, or foster parent
- An employee of a public or private residential home or an institution or authorized agency responsible for the child's welfare

The term 'family' includes each legal parent, the grandparents, each parent's spouse, each sibling or person related by consanguinity up to the second degree or by marriage, each person residing in the same dwelling unit, and any other person or legal entity that is a child's legal or physical custodian or guardian, or who is otherwise responsible for the child's care.

Exceptions
Citation: Ann. Code Tit. 19, § 13101

A person responsible for the child's welfare who, while legitimately practicing his or her religious beliefs, does not specify medical treatment for the child should not for that reason alone be considered as harming or threatening harm to the child.

Hawaii

Physical Abuse
Citation: Rev. Stat. § 350-1

'Child abuse or neglect' means acts or omissions that have resulted in the physical health or welfare of the child who is under age 18 to be harmed or to be subject to a reasonably foreseeable, substantial risk of being harmed. The acts or omissions are indicated for the purposes of reports by circumstances that include, but are not limited to:

- When the child exhibits evidence of any of the following injuries, and such injury is not justifiably explained, or when the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicate that such condition or death may not be the product of an accidental occurrence:
  - Substantial or multiple skin bruising or other internal bleeding
  - An injury to skin causing substantial bleeding
  - Malnutrition or failure to thrive
  - Burns or poisoning
  - Fracture of any bone
  - Subdural hematoma or soft tissue swelling
  - Extreme pain or mental distress
  - Gross degradation
  - Death
- When the child is provided with dangerous, harmful, or detrimental drugs; provided that this paragraph shall not apply when such drugs are provided to the child pursuant to the direction or prescription of a practitioner
- When the child has been the victim of labor trafficking under chapter 707

Neglect
Citation: Rev. Stat. § 350-1

'Child neglect' occurs when a child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision.

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 350-1

The term 'child abuse or neglect' includes instances when the child has been the victim of:

- Sexual contact or conduct including, but not limited to, sexual assault
- Molestation or sexual fondling
- Incest
- Prostitution
- Obscene or pornographic photographing, filming, or depiction, or other similar forms of sexual exploitation
- Other similar forms of sexual exploitation, including, but not limited to, acts that constitute an offense pursuant to § 712-1202(1)(b) [promoting prostitution of a person younger than age 18]

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Emotional Abuse
Citation: Rev. Stat. § 350-1

The term 'child abuse or neglect' includes acts or omissions that have resulted in injury to the psychological capacity of a child as is evidenced by an observable and substantial impairment in the child's ability to function.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Rev. Stat. § 350-1.1

A report is required when a mandatory reporter, in his or her professional or official capacity, has reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future.

Persons Responsible for the Child
Citation: Rev. Stat. § 350-1

A 'responsible person' is any person who, or legal entity that, is:

- In any manner or degree related to the child
- Residing with the child
- Otherwise responsible for the child's care

Exceptions

No exceptions are specified in statute.

Idaho

Physical Abuse
Citation: Idaho Code § 16-1602

'Abused' means any case in which a child has been the victim of conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive, or death, and such condition or death is not justifiably explained; the history given concerning such condition or death is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition or death may not be the product of an accidental occurrence.

Neglect
Citation: Idaho Code § 16-1602

'Neglected' means a child:

- Who is without proper parental care and control, subsistence, medical, or other care necessary for his or her well-being because of the conduct or omission of his or her parents, guardian, or other custodian, or their neglect or refusal to provide them
- Whose parents, guardian, or other custodian is unable to discharge his or her responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his or her health, safety, or well-being
- Who has been placed for care or adoption in violation of the law
- Who is without proper education because of the failure to comply with § 33-202

Sexual Abuse/Exploitation
Citation: Idaho Code § 16-1602

The term 'abused' applies to any case in which a child has been the victim of sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation that harms or threatens the child's health, welfare, or mental health.

Emotional Abuse
Citation: Idaho Code § 16-1602

'Mental injury' means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Idaho Code § 16-1602

'Abandoned' means the failure of the parent to maintain a normal parental relationship with his or her child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of 1 year shall constitute prima facie evidence of abandonment.

Standards for Reporting
Citation: Idaho Code § 16-1605

A report is required when any person has reason to believe that a child younger than age 18 has been abused, abandoned, or neglected or observes the child being subjected to conditions or circumstances that would reasonably result in abuse, abandonment, or neglect.

Persons Responsible for the Child
Citation: Idaho Code § 16-1602

'Responsible persons' include the parent, guardian, or other custodian.

Exceptions
Citation: Idaho Code § 16-1602

No child whose parent chooses for the child treatment by prayers through spiritual means in lieu of medical treatment shall be deemed for that reason alone to be neglected. This exception shall not prevent the court from ordering emergency medical treatment when the child's life is endangered.

Illinois

Physical Abuse
Citation: Comp. Stat. Ch. 325, § 5/3

'Abused child' means a child whose parent, immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child, or a paramour of the child's parent:

- Inflicts, causes or allows to be inflicted, or creates a substantial risk of physical injury by other than accidental means that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function
- Commits or allows to be committed an act or acts of torture upon the child
- Inflicts excessive corporal punishment
- Commits or allows to be committed the offense of female genital mutilation
- Causes a controlled substance to be sold, transferred, distributed, or given to the child under age 18, in violation of the Illinois Controlled Substances Act or Methamphetamine Control and Community Protection Act
- Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons, as defined in chapter 720, § 5/10-9, against the child

Neglect
Citation: Comp. Stat. Ch. 325, § 5/3

'Neglected child' means any child who:

- Is not receiving proper or necessary nourishment or medically indicated treatment, including food or care, that is not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician, or otherwise is not receiving the proper or necessary support or medical or other remedial care as necessary for a child's well-being
- Is not receiving other care necessary for his or her well-being, including adequate food, clothing, and shelter
- Is subjected to an environment that is injurious insofar as:
  - The child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare.
  - The likely harm to the child is the result of a blatant disregard of parent or caregiver responsibilities.
- Has been provided with interim crisis intervention services under chapter 705, § 405/3-5 and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child
- Is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance or a metabolite thereof

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Comp. Stat. Ch. 325, § 5/3

The term 'abused child' includes a child whose parent, immediate family member, person responsible for the child's welfare, individual residing in the same home as the child, or paramour of the child's parent commits or allows to be committed any sex offense against the child, as such sex offenses are defined in the Criminal Code of 2012 [chapter 720, § 5/1-1, et seq.] or in the Wrongs to Children Act [chapter 720, § 150/0.01, et seq.], and extending those definitions of sex offenses to include children younger than age 18.

Emotional Abuse
Citation: Comp. Stat. Ch. 325, § 5/3

The term 'abused child' includes impairment or substantial risk of impairment to the child's emotional health.

Abandonment
Citation: Comp. Stat. Ch. 325, § 5/3

The term 'neglected child' includes a child who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care.

Standards for Reporting
Citation: Comp. Stat. Ch. 325, § 5/4

A report is required when a mandatory reporter has reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child.

Persons Responsible for the Child
Citation: Comp. Stat. Ch. 325, § 5/3

A 'person responsible for the child's welfare' includes:

- The child's parent, guardian, foster parent, or relative caregiver
- Any person responsible for the child's welfare in a public or private residential agency or institution
- Any person responsible for the child's welfare within a public or private profit or not-for-profit child care facility
- Any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including any person that is the custodian of a child under age 18 who commits or allows to be committed against the child the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in chapter 720, § 5/10-9
- A person who came to know the child through an official capacity or position of trust, including but not limited to health-care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect

Exceptions
Citation: Comp. Stat. Ch. 325, § 5/3

A child shall not be considered abused or neglected if:

- The child is a newborn who has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.
- The presence of a controlled substance in a child or a newborn is the result of medical treatment.
- The child has been left in the care of an adult relative.
- The child's parent relies on spiritual means through prayer for the treatment of disease.
- The child is not attending school as required by the School Act.

Indiana

Physical Abuse
Citation: Ann. Code § 31-34-1-2

A child is a 'child in need of services' if, before the child becomes age 18, the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian.

Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Code §§ 31-34-1-1; 31-34-1-9; 31-34-1-10; 31-34-1-11

A child is a 'child in need of services' if, before the child becomes age 18:

- The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.
- The child is born with fetal alcohol syndrome or any amount, including a trace amount, of a controlled substance or a legend drug in the child's body.
- The child has an injury, abnormal physical or psychological development, or is at a substantial risk of a life-threatening condition that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy.

The term 'child in need of services' includes a child with a disability who is deprived of nutrition that is necessary to sustain life, or is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life-threatening medical condition if the nutritional, medical, or surgical intervention is generally provided to similarly situated children with or without disabilities.

Sexual Abuse/Exploitation
Citation: Ann. Code §§ 31-34-1-3; 31-34-1-4; 31-34-1-5

A child is a 'child in need of services' if, before the child becomes age 18, the child is the victim, lives in the same household as another child who was the victim, or lives in the same household as the adult who was convicted of a sex offense, as defined in the criminal statutes, pertaining to:

- Rape
- Criminal deviate conduct (before its repeal)
- Child molesting
- Child exploitation or possession of child pornography
- Child seduction
- Sexual misconduct with a minor
- Indecent exposure
- Prostitution
- Incest

A child is a 'child in need of services' if, before the child becomes age 18, the child's parent, guardian, or custodian allows the child:

- To participate in an obscene performance
- To commit a sex offense prohibited by criminal statute

Emotional Abuse
Citation: Ann. Code § 31-34-1-2

A child is a 'child in need of services' if the child's mental health is seriously endangered by an act or omission of the child's parent, guardian, or custodian.

Abandonment
Citation: Ann. Code § 31-9-2-0.5

'Abandoned infant' means:

- A child who is younger than 12 months old and whose parent, guardian, or custodian has knowingly or intentionally left the child in an environment that endangers the child's life or health or in a hospital or medical facility and has no reasonable plan to assume the care, custody, and control of the child
- A child who is or appears to be no more than 30 days old and whose parent has knowingly and intentionally left the child with an emergency medical services provider and did not express an intent to return for the child

Standards for Reporting
Citation: Ann. Code § 31-33-5-1

A report is required when an individual has reason to believe that a child is a victim of child abuse or neglect.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Ann. Code §§ 31-9-2-0.5; 31-34-1-1 through 31-34-1-5

Responsible persons include the child's parent, guardian, or custodian.

Exceptions
Citation: Ann. Code §§ 31-34-1-12; 31-34-1-14; 31-34-1-15

A child is not a 'child in need of services' if:

- The presence of a controlled substance was a result of a valid medical prescription.
- A parent fails to provide specific medical treatment for a child because of legitimate and genuine religious beliefs. This presumption does not do any of the following:
  - Prevent a court from ordering medical services when the health of the child requires it
  - Apply to situations in which the child's life or health is in serious danger

This chapter does not limit:

- The right of the parent to use reasonable corporal punishment to discipline the child
- The lawful practice or teaching of religious beliefs

Iowa

Physical Abuse
Citation: Ann. Stat. § 232.68

'Child abuse' or 'abuse' means any nonaccidental physical injury, or injury that is at variance with the history given of it, suffered by a child as the result of acts or omissions of a person responsible for the care of the child.

Neglect
Citation: Ann. Stat. § 232.68

The terms 'child abuse' or 'abuse' include:

- The failure on the part of a person responsible for the care of a child to provide adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so
- The presence of an illegal drug in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child
- That the person responsible for the care of a child has, in the presence of the child, manufactured a dangerous substance or possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, or salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance
- Knowingly allowing a person to have custody of, control of, or unsupervised access to a child after knowing the person is required to register or is on the sex offender registry

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 232.68

The terms 'child abuse' or 'abuse' include:

- Committing a sexual offense with or to a child
- Allowing, permitting, or encouraging the child to engage in prostitution
- Committing acts of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child
- Knowingly allowing a person to have custody of, control of, or unsupervised access to a child after knowing the person is required to register or is on the sex offender registry
- Knowingly allowing the child access to obscene material as defined in § 728.1 or knowingly disseminating or exhibiting such material to the child

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Emotional Abuse
Citation: Ann. Stat. § 232.68

The terms 'child abuse' or 'abuse' include any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Stat. § 232.69

A report is required when a mandatory reporter reasonably believes that a child has suffered abuse.

Persons Responsible for the Child
Citation: Ann. Stat. § 232.68

'Person responsible for the care of a child' means:

- A parent, guardian, or foster parent
- A relative or any other person with whom the child resides who assumes care or supervision of the child, without reference to the length of time or continuity of such residence
- An employee or agent of a 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
- Any person providing care for a child but with whom the child does not reside, without reference to the duration of care

Exceptions
Citation: Ann. Stat. § 232.68

A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered to be abusing the child. This provision shall not preclude a court from ordering that medical service be provided to the child when the child's health requires it.

'Child abuse' or 'abuse' shall not be construed to hold a victim responsible for failing to prevent a crime against the victim.

Kansas

Physical Abuse
Citation: Ann. Stat. § 38-2202

'Physical, mental, or emotional abuse' means the infliction of physical, mental, or emotional harm, or the causing of a deterioration of a child, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

'Harm' means physical or psychological injury or damage.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Stat. § 38-2202

'Neglect' means acts or omissions by a parent, guardian, or person responsible for the care of a child that results in harm to a child or presents a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include but shall not be limited to:

- Failure to provide the child with food, clothing, or shelter necessary to sustain life or health
- Failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a likelihood of harm to the child
- Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 38-2202

'Sexual abuse' means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child, or another person. Sexual abuse includes allowing, permitting, or encouraging a child to engage in prostitution or to be photographed, filmed, or depicted in pornographic material.

Emotional Abuse
Citation: Ann. Stat. § 38-2202

The term 'physical, mental, or emotional abuse' includes the infliction of physical, mental, or emotional harm or the causing of a deterioration of a child and may include, but is not limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

'Harm' means physical or psychological injury or damage.

Abandonment
Citation: Ann. Stat. § 38-2202

'Abandon' or 'abandonment' means to forsake, desert, or cease providing care for the child without making appropriate provisions for substitute care.

Standards for Reporting
Citation: Ann. Stat. § 38-2223

A report is required when a mandatory reporter has reason to suspect that a child has been harmed as a result of physical, mental, or emotional abuse or neglect, or sexual abuse.

Persons Responsible for the Child
Citation: Ann. Stat. § 38-2202

A responsible person includes a parent, guardian, or person responsible for the care of a child.

The term 'parent,' when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for, or support the child.

Exceptions
Citation: Ann. Stat. § 38-2202

A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent. This exception shall not preclude a court from ordering medical treatment for the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Kentucky

Physical Abuse
Citation: Rev. Stat. § 600.020

'Abused or neglected child' means a child whose health or welfare is harmed or threatened with harm when his or her parent, guardian, or other person exercising custodial control or supervision:

- Inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means
- Creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means

'Physical injury' means substantial physical pain or any impairment of physical condition.

'Serious physical injury' means physical injury that creates a substantial risk of death or causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ.

Neglect
Citation: Rev. Stat. § 600.020

The term 'abused or neglected child' includes a child whose health or welfare is harmed or threatened with harm when his or her parent, guardian, or other person exercising custodial control or supervision:

- Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including, but not limited to, parental incapacity due to alcohol and other drug abuse
- Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child
- Does not provide the child with adequate care, supervision, food, clothing, shelter, education, or medical care necessary for the child's well-being
- Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for 15 of the most recent 22 months

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 600.020

The term 'abused or neglected child' includes a child whose health or welfare is harmed or threatened with harm when:

- His or her parent, guardian, or other person exercising custodial control or supervision:
  - » Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child
  - » Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child
- A person age 21 or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child younger than age 16.

'Sexual abuse' includes, but is not necessarily limited to, any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of sexual stimulation of the perpetrator or another person.

'Sexual exploitation' includes, but is not limited to, allowing, permitting, or encouraging the child to engage in prostitution or an act of obscene or pornographic photographing, filming, or depicting of a child.

Emotional Abuse
Citation: Rev. Stat. § 600.020

'Emotional injury' means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment, as testified to by a qualified mental health professional.

Abandonment
Citation: Rev. Stat. § 600.020

The term 'abused or neglected child' includes a child whose health or welfare is harmed or threatened with harm when his or her parent, guardian, or other person exercising custodial control or supervision abandons the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Standards for Reporting
Citation: Rev. Stat. § 620.030

A report is required when any person knows or has reasonable cause to believe that a child is dependent, neglected, or abused.

Persons Responsible for the Child
Citation: Rev. Stat. § 600.020

Persons responsible for the child include:

- A parent who is the biological or adoptive mother or father of a child
- A person exercising custodial control and supervision or an agency that has assumed the role and responsibility of a parent or guardian for the child but does not necessarily have legal custody of the child

Exceptions
Citation: Rev. Stat. § 600.020

A parent or other person exercising custodial control or supervision of the child who is legitimately practicing his or her religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child.

Louisiana

Physical Abuse
Citation: Ch. Code art. 603

'Abuse' means any one of the following acts that seriously endanger the physical, mental, or emotional health and safety of the child:

- The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person
- Exploitation or overwork of a child by a parent or any other person, including, but not limited to, commercial sexual exploitation of the child

'Crime against the child' means the commission or attempted commission of a crime, including homicide, battery, assault, kidnapping, criminal neglect, contributing to the delinquency or dependency of a minor, the sale of minor children, cruelty to juveniles, or human trafficking.

Neglect
Citation: Ch. Code art. 603

'Neglect' means the refusal or unreasonable failure of a parent or caregiver to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Neglect includes prenatal neglect.

'Prenatal neglect' means exposure to chronic or severe use of alcohol, the unlawful use of any controlled dangerous substance, or the use of a controlled dangerous substance in a manner not lawfully prescribed that results in symptoms of withdrawal in the newborn or the presence of a controlled substance or a metabolic thereof in the child's body, blood, urine, or meconium that is not the result of medical treatment; or observable and harmful effects in the child's physical appearance or functioning.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ch. Code art. 603

The term 'abuse' includes the involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caregiver, or any other person of the child's involvement in any of the following:

- Any sexual act with any other person
- Pornographic displays
- Any sexual activity constituting a crime under the laws of this State

'Commercial sexual exploitation' means involvement of the child in human trafficking or trafficking of children for sexual purposes, as prohibited by Rev. Stat. §§ 14:46.2 and 46.3, or any prostitution-related offense, as prohibited by Rev. Stat. §§ 81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

'Child pornography' means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

A 'crime against a child' includes rape, sexual battery, incest, carnal knowledge of a juvenile, indecent behavior with a juvenile, pornography involving juveniles, molestation of a juvenile or a person with a physical or mental disability, a crime against nature, or trafficking of children for sexual purposes.

Emotional Abuse
Citation: Ch. Code art. 603

The term 'abuse' includes any act that seriously endangers the mental or emotional health of the child or inflicts mental injury.

Abandonment
Citation: Ch. Code art. 603

A 'crime against the child' includes criminal abandonment of a child.

Standards for Reporting
Citation: Ch. Code art. 609

A report is required when any mandatory reporter has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect.

Persons Responsible for the Child
Citation: Ch. Code art. 603

The term 'caretaker' [caregiver] means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private daycare center, operator or employee of a family daycare home, or other person providing a residence for the child.

Exceptions
Citation: Ch. Code art. 603

The inability of a parent or caregiver to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect.

Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. Nothing in this section shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Maine

Physical Abuse
Citation: Ann. Stat. Tit. 22, § 4002

'Abuse or neglect' means a threat to a child's health or welfare by physical, mental, or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs, or lack of protection from these, or failure to ensure compliance with school attendance requirements under Title 20-A, § 3272(2)(B), or § 5051-A(1)(C), by a person responsible for the child.

'Jeopardy to health or welfare' or 'jeopardy' means serious abuse or neglect, as evidenced by serious harm or threat of serious harm.

'Serious harm' means serious injury. 'Serious injury' means serious physical injury or impairment.

Neglect
Citation: Ann. Stat. Tit. 22, § 4002

'Abuse or neglect' means a threat to a child's health or welfare by deprivation of essential needs or lack of protection by a person responsible for the child.

'Jeopardy to health or welfare' or 'jeopardy' means serious abuse or neglect as evidenced by:

- Deprivation of adequate food, clothing, shelter, supervision, care, or education when the child is at least age 7 and has not completed grade 6
- Deprivation of necessary health care when the deprivation places the child in danger of serious harm
- Abandonment of the child or absence of any person responsible for the child that creates a threat of serious harm
- The end of voluntary placement, when the imminent return of the child to his or her custodian causes a threat of serious harm

Sexual Abuse/Exploitation
Citation: Ann. Stat. Tit. 22, § 4002

The term 'abuse or neglect' includes a threat to a child's health or welfare by sexual abuse or exploitation by a person responsible for the child.

'Serious harm' includes sexual abuse or exploitation.

Emotional Abuse
Citation: Ann. Stat. Tit. 22, § 4002

The term 'abuse or neglect' includes a threat to a child's health or welfare by mental or emotional injury or impairment by a person responsible for the child.

'Serious harm' includes serious mental or emotional injury or impairment that now or in the future is likely to be evidenced by serious mental, behavioral, or personality disorder, including severe anxiety, depression, withdrawal, untoward aggressive behavior, seriously delayed development, or similar serious dysfunctional behavior.

Abandonment
Citation: Ann. Stat. Tit. 22, § 4002

'Abandonment' means any conduct on the part of the parent that shows an intent to forgo parental duties or relinquish parental claims. The intent may be evidenced by:

- Failure to communicate meaningfully or to maintain regular visitation with the child for a period of at least 6 months
- Failure to participate in any plan or program designed to reunite the parent with the child
- Deserting the child without affording means of identifying the child and his or her parent or custodian
- Failure to respond to notice of child protective proceedings
- Any other conduct indicating an intent to forgo parental duties or relinquish parental claims

'Jeopardy to health or welfare' or 'jeopardy' includes abandonment of the child or absence of any person responsible for the child that creates a threat of serious harm.

Standards for Reporting
Citation: Ann. Stat. Tit. 22, § 4011-A

A report is required when a mandatory reporter knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Ann. Stat. Tit. 22, § 4002

The term 'parent' means a natural or adoptive parent, unless parental rights have been terminated.

A 'person responsible for the child' means a person with responsibility for a child's health or welfare, whether in the child's home or another home or facility that, as part of its function, provides for care of the child. This includes the child's custodian.

Exceptions
Citation: Ann. Stat. Tit. 22, § 4010

A child shall not be considered to be abused or neglected, in jeopardy of health or welfare, or in danger of serious harm solely because treatment is by spiritual means by an accredited practitioner of a recognized religious organization.

Maryland

Physical Abuse
Citation: Fam. Law § 5-701

'Abuse' means:

- The physical or mental injury of a child by any parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed
- Sexual abuse of a child, whether physical injuries are sustained or not

Neglect
Citation: Fam. Law § 5-701

'Neglect' means leaving a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

- That the child's health or welfare is harmed or placed at substantial risk of harm
- Mental injury to the child or a substantial risk of mental injury

Sexual Abuse/Exploitation
Citation: Fam. Law § 5-701

'Sexual abuse' means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. 'Sexual abuse' includes:

- Allowing or encouraging a child to engage in:
  - Obscene photography, films, poses, or similar activity
  - Pornographic photography, films, poses, or similar activity
  - Prostitution
- Human trafficking
- Incest
- Rape
- Sexual offense in any degree
- Sodomy
- Unnatural or perverted sexual practices

Emotional Abuse
Citation: Fam. Law § 5-701

'Mental injury' means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

Abandonment

This issue is not addressed in the statutes reviewed.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Standards for Reporting
Citation: Fam. Law § 5-704

A report is required when a mandatory reporter has reason to believe that a child has been subjected to abuse or neglect.

Persons Responsible for the Child
Citation: Fam. Law § 5-701

Responsible persons include a parent or other person who provides temporary care, custody, or supervision of the child, including:

- A family member, including a relative to the child by blood, adoption, or marriage
- A household member, including a person who lives or is a regular presence in a home of a child at the time of the alleged abuse or neglect

Exceptions

No exceptions are specified in statute.

Massachusetts

Physical Abuse
Citation: Code of Mass. Regs. Tit. 110, § 2.00

'Abuse' means the nonaccidental commission of any act by a caregiver upon a child under age 18 that causes or creates a substantial risk of physical or emotional injury, or constitutes a sexual offense under the laws of the Commonwealth, or any sexual contact between a caregiver and a child under the care of that individual.

'Physical injury' means:

- Death
- Fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury
- Soft tissue swelling or skin bruising depending upon such factors as the child's age, circumstances under which the injury occurred, and the number and location of bruises
- Addiction to a drug at birth
- Failure to thrive

Neglect
Citation: Code of Mass. Regs. Tit. 110, § 2.00

'Neglect' means failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability, and growth, or other essential care.

Sexual Abuse/Exploitation
Citation: Ann. Laws. Ch. 119, § 21; Code of Mass. Regs. Tit. 110, § 2.00

A 'sexually exploited child' is any person younger than age 18 who has been subjected to sexual exploitation because such person:

- Is the victim of the crime of sexual servitude, pursuant to chapter 265, § 50, or is the victim of the crime of sex trafficking, as defined in 22 U.S.C. § 7105
- Engages, agrees to engage, or offers to engage in sexual conduct with another person in return for a fee or in exchange for food, shelter, clothing, education, or care
- Is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution
- Engages in common night walking or common streetwalking

In regulation: The term 'abuse' includes a sexual offense under the laws of the Commonwealth or any sexual contact between a caregiver and a child under the care of that individual.

Emotional Abuse
Citation: Code of Mass. Regs. Tit. 110, § 2.00

'Emotional injury' means an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Ann. Laws Ch. 119, § 39

'Abandonment' of an infant under age 10 occurs when:

- A person leaves the child within or without any building.
- A parent or other person who has a legal duty to care for the child, having made a contract for the child's board or maintenance, absconds or fails to perform such contract, and for 4 weeks after such absconding or breach of contract, if of sufficient physical and mental ability, neglects to visit or remove the child or notify the department of his or her inability to support the child.

Standards for Reporting
Citation: Ann. Laws Ch. 119, § 51A

A report is required when a mandatory reporter, who in his or her professional capacity, has reasonable cause to believe that a child is suffering physical or emotional injury resulting from:

- Abuse inflicted upon the child that causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse
- Neglect, including malnutrition
- Physical dependence upon an addictive drug at birth
- Being a sexually exploited child
- Being a human trafficking victim

Persons Responsible for the Child
Citation: Ann. Laws Ch. 119, § 51A; Code of Mass. Regs. Tit. 110, § 2.00

Responsible persons include the parent and any other person responsible for the child's care.

In regulation: The term 'caretaker' [caregiver] means:

- A child's parent, stepparent, or guardian
- Any household member entrusted with the responsibility for a child's health or welfare
- Any other person entrusted with the responsibility for a child's health or welfare, whether in the child's home, a relative's home, a school setting, a daycare setting (including babysitting), a foster home, a group care facility, or any other comparable setting

The term 'caretaker' includes, but is not limited to, schoolteachers, babysitters, schoolbus drivers, camp counselors, etc.

Exceptions
Citation: Code of Mass. Regs. Tit. 110, § 2.00

It is not considered neglect when the inability to care for the child is due solely to inadequate economic resources or solely to the existence of a handicapping condition.

Michigan

Physical Abuse
Citation: Comp. Laws §§ 722.622; 722.628(3)(c)

'Child abuse' means harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment by a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.

'Severe physical injury' means an injury to the child that requires medical treatment or hospitalization and that seriously impairs the child's health or physical well-being.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Comp. Laws § 722.622

'Child neglect' means harm or threatened harm to a child's health or welfare, by a parent, legal guardian, or any other person responsible for the child's health or welfare, that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care
- Placing a child at an unreasonable risk to the child's health or welfare by failure to intervene to eliminate that risk when the parent, legal guardian, or other person responsible for the child's health or welfare is able to do so and has, or should have, knowledge of the risk

Sexual Abuse/Exploitation
Citation: Comp. Laws § 722.622

'Sexual abuse' means engaging in sexual contact or sexual penetration with a child as those terms are defined in the penal code.

'Sexual exploitation' includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in photographing, filming, or depicting a child engaged in a sexual act.

Emotional Abuse
Citation: Comp. Laws § 722.622

The term 'child abuse' includes mental injury.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Comp. Laws § 722.623

A report is required when a mandatory reporter has reasonable cause to suspect child abuse or neglect.

Persons Responsible for the Child
Citation: Comp. Laws § 722.622

A 'person responsible for the child's health or welfare' means a parent; legal guardian; person age 18 or older who resides for any length of time in the same home as the child; nonparent adult; or an owner, operator, volunteer, or employee of one or more of the following:

- A licensed or registered child care organization
- A licensed or unlicensed adult foster care family home or adult foster care small group home

'Nonparent adult' means a person who is age 18 or older and who, regardless of the person's domicile, meets all of the following criteria in relation to a child:

- Has substantial and regular contact with the child
- Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare
- Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree

Exceptions
Citation: Comp. Laws § 722.634

A parent or guardian legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by State law to a child when the child's health requires it, nor does it abrogate the responsibility of a person required to report child abuse or neglect.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Minnesota

Physical Abuse
Citation: Ann. Stat. § 626.556, Subd. 2

'Physical abuse' means any physical injury, mental injury, or threatened injury inflicted by a person responsible for the child's care on a child by other than accidental means; physical or mental injury that cannot reasonably be explained by the child's history of injuries; or any aversive and deprivation procedures or regulated interventions that have not been authorized by law. Physical abuse includes, but is not limited to, any of the following acts that are done in anger or without regard to the safety of the child:

- Throwing, kicking, burning, biting, or cutting a child
- Striking a child with a closed fist
- Shaking a child under age 3
- Striking or other actions that result in any nonaccidental injury to a child under 18 months
- Unreasonable interference with a child's breathing
- Threatening a child with a weapon
- Striking a child under age 1 on the face or head
- Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child; giving the child substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury; or subjecting the child to medical procedures that would be unnecessary if the child were not exposed to the substances
- Unreasonable physical confinement or restraint not permitted by law including, but not limited to, tying, caging, or chaining
- In a school facility or school zone, an act by a person responsible for the child's care that is a violation under § 121A.58 [prohibiting corporal punishment]

Neglect
Citation: Ann. Stat. § 626.556, Subd. 2

'Neglect' means the commission or omission of any of the acts specified below by other than accidental means:

- Failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so
- Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay (also known as failure to thrive) that has been diagnosed by a physician and is due to parental neglect
- Failure to provide necessary supervision or child care arrangements appropriate for a child after considering such factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety, or the basic needs or safety of another child in their care
- Failure to ensure that the child is educated as required by State law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications
- Prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder
- 'Medical neglect' that includes, but is not limited to, withholding medically indicated treatment from a disabled infant with a life-threatening condition
- Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Stat. §§ 626.556, Subd. 2; 260C.007, Subd. 31

'Sexual abuse' means the subjection of a child to any act that constitutes criminal sexual conduct by a person responsible for the child's care, a person who has a significant relationship to the child, or a person in a position of authority. Sexual abuse includes any act that involves a minor that constitutes a violation of prostitution offenses. Sexual abuse also includes threatened sexual abuse, including the status of a parent or household member who has committed a violation that requires registration as a sex offender.

'Sexually exploited youth' means an individual who:

- Is alleged to have engaged in conduct that would, if committed by an adult, violate any Federal, State, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct
- Is a victim of the crime criminal sexual conduct, criminal sexual predatory conduct, use of minors in sexual performances, or possession of child pornography
- Is a victim of the Federal offenses of child pornography or child sex trafficking
- Is a sex trafficking victim

Emotional Abuse
Citation: Ann. Stat. §§ 260C.007, Subd. 15; 626.556, Subd. 2

'Emotional maltreatment' means the consistent, deliberate infliction of mental harm on a child by a person responsible for the child's care that has an observable, sustained, and adverse effect on the child's physical, mental, or emotional development.

'Mental injury' means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

'Neglect' includes emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child that may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Abandonment
Citation: Ann. Stat. § 260C.007, Subd. 6

The term 'child in need of protection or services' means a child who is in need of protection or services because he or she is abandoned or without a parent, guardian, or custodian.

Standards for Reporting
Citation: Ann. Stat. § 626.556, Subd. 3

A report is required when a mandatory reporter knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding 3 years.

Persons Responsible for the Child
Citation: Ann. Stat. §§ 626.556, Subd. 2; 260C.007, Subd. 17

'Person responsible for the child's care' means:

- An individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities
- An individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, daycare, babysitting (paid or unpaid), counseling, teaching, and coaching

'Family or household members' means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions
Citation: Ann. Stat. §§ 626.556, Subd. 2; 260C.007, Subd. 15

A child is not considered neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care. A parent, guardian, caregiver, or a person mandated to report [child abuse or neglect] has a duty to report if a lack of medical care may cause serious danger to the child's health.

Persons who are not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care do not have a duty to provide that care.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury.

Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by § 121A.582.

Emotional maltreatment does not include reasonable training or discipline administered by the person responsible for the child's care or the reasonable exercise of authority by that person.

Mississippi

Physical Abuse
Citation: Ann. Code § 43-21-105

'Abused child' means a child whose parent, guardian, custodian, or any person responsible for his or her care or support, whether or not legally obligated to do so, has caused or allowed to be caused upon the child nonaccidental physical injury or other maltreatment.

Neglect
Citation: Ann. Code § 43-21-105

'Neglected child' means a child:

- Whose parent, guardian, custodian, or any person responsible for his or her care or support neglects or refuses, when able to do so, to provide proper and necessary care or support; education as required by law; or medical, surgical, or other care necessary for his or her well-being
- Who is otherwise without proper care, custody, supervision, or support
- Who, for any reason, lacks the special care made necessary for him or her by reason of his or her mental condition, whether said mental condition be mentally retarded or mentally ill
- Who, for any reason, lacks the care necessary for his or her health, morals, or well-being

Sexual Abuse/Exploitation
Citation: Ann. Code § 43-21-105

The term 'abused child' includes sexual abuse or sexual exploitation.

'Sexual abuse' means obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances that indicate that the child's health or welfare is harmed or threatened.

Emotional Abuse
Citation: Ann. Code § 43-21-105

The term 'abused child' includes emotional abuse or mental injury.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Code § 43-21-353

A report is required when a mandatory reporter has reasonable cause to suspect that a child is abused or neglected.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Ann. Code § 43-21-105

Responsible persons include:

- A parent, guardian, or custodian
- 'Any person responsible for care or support,' which refers to the person who is providing for the child at a given time, including, but not limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child, and staff of residential care facilities and group homes licensed by the department

Exceptions
Citation: Ann. Code § 43-21-105

A parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall not, for that reason alone, be considered to be neglectful.

Physical discipline, including spanking, performed on a child by a parent, guardian, or custodian in a reasonable manner shall not be deemed abuse under this section.

Missouri

Physical Abuse
Citation: Ann. Stat. § 210.110

'Abuse' means any physical injury inflicted on a child by other than accidental means by those responsible for the child's care, custody, and control.

Neglect
Citation: Ann. Stat. § 210.110

'Neglect' means failure to provide, by those responsible for the care, custody, and control of the child, proper or necessary support; education as required by law; nutrition; or medical, surgical, or any other care necessary for the child's well-being.

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 210.110

The term 'abuse' includes sexual abuse.

Emotional Abuse
Citation: Ann. Stat. § 210.110

The term 'abuse' includes emotional abuse inflicted on a child by those responsible for the child's care, custody, and control.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Stat. § 210.115

A report is required when a mandatory reporter has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Stat. § 210.110

The term 'those responsible for the care, custody, and control of the child' includes, but is not limited to:

- The parents or guardian of a child
- Other members of the child's household
- Anyone exercising supervision over a child for any part of a 24-hour day
- Any adult who has access to the child, based on a relationship to the parents of the child, members of the child's household, or the family

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions
Citation: Ann. Stat. §§ 210.110; 210.115

Discipline, including spanking, administered in a reasonable manner, shall not be considered abuse.

A child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child shall not be found to be an abused or neglected child for that reason alone.

The division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. This exception shall not limit the administrative or judicial authority of the State to ensure that medical services are provided to the child when the child's health requires it.

Montana

Physical Abuse
Citation: Ann. Code § 41-3-102

'Physical abuse' means an intentional act, omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

'Child abuse or neglect' means:

- Actual physical or psychological harm to a child
- Substantial risk of physical or psychological harm to a child
- Abandonment

The term includes:

- Actual physical or psychological harm to a child, or substantial risk of physical or psychological harm to a child, by the acts or omissions of a person responsible for the child's welfare
- Exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory

'Physical or psychological harm to a child' means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect.

Neglect
Citation: Ann. Code § 41-3-102

'Physical neglect' means:

- Failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions
- Failure to provide cleanliness and general supervision
- Exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child

'Physical or psychological harm to a child' means the harm that occurs whenever the parent or other person responsible for the child's welfare:

- Causes malnutrition, failure to thrive, or otherwise fails to supply the child with adequate food; fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or when offered financial or other reasonable means to do so
- Exposes the child, or allows the child to be exposed, to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk

'Withholding of medically indicated treatment' means failure to respond to an infant's life-threatening conditions by not providing treatment, including appropriate nutrition, hydration, and medication, that in the treating physician's or physicians' reasonable medical judgment is most likely to be effective in ameliorating or correcting the conditions.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Code § 41-3-102

'Sexual abuse' means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, ritual abuse, or incest.

'Sexual exploitation' means allowing, permitting, or encouraging a child to engage in a prostitution offense or allowing, permitting, or encouraging sexual abuse of children.

'Physical or psychological harm to a child' means the harm that occurs whenever a parent or other person responsible for the child's welfare commits or allows sexual abuse or exploitation of the child.

Emotional Abuse
Citation: Ann. Code § 41-3-102

'Psychological abuse or neglect' means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including acts of violence against another person residing in the child's home.

'Physical or psychological harm to a child' means the harm that occurs whenever a parent or other person responsible for a child's welfare induces or attempts to induce the child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare.

Abandonment
Citation: Ann. Code § 41-3-102

'Abandon,' 'abandoned,' and 'abandonment' mean:

- Leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future
- Willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child
- That the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed
- The voluntary surrender, as defined in § 40-6-402, by a parent of a newborn who is no more than 30 days old, to an emergency services provider

'Physical or psychological harm to a child' means the harm that occurs when the parent or other person responsible for the child's welfare abandons the child.

Standards for Reporting
Citation: Ann. Code § 41-3-201

A report is required when a mandatory reporter knows or has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare.

Persons Responsible for the Child
Citation: Ann. Code § 41-3-102

'A person responsible for a child's welfare' means:

- The child's parent, guardian, foster parent, or an adult who resides in the same home as the child
- A person providing care in a daycare facility
- An employee of a public or private residential institution, facility, home, or agency
- Any other person responsible for the child's welfare in a residential setting

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions
Citation: Ann. Code § 41-3-102

The term 'abandoned' does not include the voluntary surrender of the child to the department solely because of parental inability to access publicly funded services.

The term 'child abuse' does not include self-defense, defense of others, or action taken to prevent the child from self-harm.

This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. This chapter may not be construed to limit the administrative or judicial authority of the State to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

The term 'withholding medically indicated treatment' does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

- The infant is chronically and irreversibly comatose.
- The provision of treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant.
- The provision of treatment would be virtually futile in terms of the survival of the infant, and the treatment itself under the circumstances would be inhumane.

Nebraska

Physical Abuse
Citation: Rev. Stat. § 28-710

'Child abuse or neglect' means knowingly, intentionally, or negligently causing, or permitting a minor child to be placed in a situation that endangers his or her life or physical health, or causes or permits a child to be cruelly confined or cruelly punished.

Neglect
Citation: Rev. Stat. § 28-710

'Child abuse or neglect' means knowingly, intentionally, or negligently causing or permitting a minor child to be deprived of necessary food, clothing, shelter, or care or causing or permitting a child age 6 or younger to be left unattended in a motor vehicle.

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 28-710

The term 'child abuse or neglect' includes knowingly, intentionally, or negligently causing or permitting a minor child to be:

- Sexually abused
- Sexually exploited by allowing, encouraging, or forcing the child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions

Emotional Abuse
Citation: Rev. Stat. § 28-710

The term 'child abuse or neglect' includes knowingly, intentionally, or negligently causing or permitting a minor child to be placed in a situation that endangers his or her mental health.

Abandonment
Citation: Rev. Stat. § 28-705(3)

When a person abandons and neglects to provide for his or her child or dependent stepchild for 3 consecutive months or more, it shall be prima facie evidence of intent to commit abandonment of a child or dependent stepchild.

Standards for Reporting
Citation: Rev. Stat. § 28-711

A report is required when a mandatory reporter or any other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances that reasonably would result in child abuse or neglect.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Rev. Stat. § 28-710

A report must be made when any person is responsible for the abuse or neglect of a child.

Exceptions

No exceptions are specified in statute.

Nevada

Physical Abuse
Citation: Rev. Stat. §§ 432B.020; 432B.090; 432B.150

'Abuse or neglect of a child' means physical or mental injury of a nonaccidental nature; sexual abuse or sexual exploitation; or negligent treatment or maltreatment of a child caused or allowed by a person responsible for his or her welfare under circumstances that indicate that the child's health or welfare is harmed or threatened with harm.

'Physical injury' includes, without limitation:

- A sprain or dislocation
- Damage to cartilage
- A fracture of a bone or the skull
- An intracranial hemorrhage or injury to another internal organ
- A burn or scalding
- A cut, laceration, puncture, or bite
- Permanent or temporary disfigurement or loss or impairment of a part or organ of the body

Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child.

Neglect
Citation: Rev. Stat. § 432B.140

'Negligent treatment or maltreatment' of a child occurs if a child has been abandoned; is without proper care, control, and supervision; or lacks the subsistence, education, shelter, medical care, or other care necessary for the well-being of the child because of the faults or habits of the person responsible for his or her welfare or because of that person's neglect or refusal to provide care when able to do so.

Sexual Abuse/Exploitation
Citation: Rev. Stat. §§ 432B.100; 432B.110

'Sexual abuse' includes acts upon a child constituting:

- Incest
- Lewdness with a child
- Sadomasochistic abuse
- Sexual assault
- Statutory sexual seduction
- Mutilation of the genitalia of a female child; aiding, abetting, encouraging, or participating in the mutilation of the genitalia of a female child; or removal of a female child from this State for the purpose of mutilating the genitalia of the child

'Sexual exploitation' includes forcing, allowing, or encouraging a child:

- To solicit for or engage in prostitution
- To view a pornographic film or literature
- To engage in filming, photographing, recording on videotape, posing, modeling, depiction, or a live performance before an audience that involves the exhibition of a child's genitals or any sexual conduct with a child

Emotional Abuse
Citation: Rev. Stat. § 432B.070

'Mental injury' means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of his or her ability to function within his or her normal range of performance or behavior.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Rev. Stat. § 432B.140

'Negligent treatment or maltreatment' of a child occurs if a child has been abandoned.

Standards for Reporting
Citation: Rev. Stat. § 432B.220

A report is require when a mandatory reporter, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected.

Persons Responsible for the Child
Citation: Rev. Stat. §§ 432B.080; 432B.130

The term 'parent' means a natural or adoptive parent whose parental rights have not been terminated.

The term 'person responsible for a child's welfare' includes:

- The child's parent, guardian, or stepparent with whom the child lives
- An adult person continually or regularly found in the same household as the child
- A person directly responsible, serving as a volunteer, or employed in a public or private home, institution, or facility where a child actually resides or is receiving child care outside his or her home for a portion of the day

Exceptions
Citation: Rev. Stat. § 432B.020(2)

Relinquishment of a newborn in accordance with the law is not considered abuse or neglect.

It is not considered abuse or neglect when a parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for the child, if such treatment is recognized and permitted under the laws of the State in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to § 62E.280.

New Hampshire

Physical Abuse
Citation: Rev. Stat. § 169-C:3

'Abused child' means any child who has been:

- Sexually abused
- Intentionally physically injured
- Physically injured by other than accidental means

Neglect
Citation: Rev. Stat. § 169-C:3

'Neglected child' means a child:

- Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, when it is established that his or her health has suffered or is very likely to suffer serious impairment, and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian
- Whose parents, guardian, or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 169-C:3

'Sexual abuse' means the following activities under circumstances that indicate that the child's health or welfare is harmed or threatened with harm:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or having a child assist any other person to engage in any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct
- The rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Emotional Abuse
Citation: Rev. Stat. § 169-C:3

The term 'abused child' includes any child who has been psychologically injured so that the child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect.

Abandonment
Citation: Rev. Stat. § 169-C:3

'Abandoned' means the child has been left by his or her parent, guardian, or custodian without provision for his or her care, supervision, or financial support, although his or her parent, guardian, or custodian is financially able to provide such support.

Standards for Reporting
Citation: Rev. Stat. § 169-C:29

A report is required when a mandatory reporter has reason to suspect that a child has been abused or neglected.

Persons Responsible for the Child
Citation: Rev. Stat. § 169-C:3

'A person responsible for a child's welfare' includes the child's parent, guardian, or custodian, as well as the person providing out-of-home care of the child, if that person is not the parent, guardian, or custodian.

The term 'parent' means mother, father, or adoptive parent, but the term shall not include a parent whose parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

Exceptions
Citation: Rev. Stat. § 169-C:3

No child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

New Jersey

Physical Abuse
Citation: Ann. Stat. § 9:6-8.21

'Abused child' or 'abused or neglected child' means a child under age 18 whose parent, guardian, or other person having custody and control:

- Inflicts or allows to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ
- Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means that would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ
- Unreasonably inflicts or allows to be inflicted harm or substantial risk thereof, including the infliction of excessive corporal punishment or by any other acts of a similarly serious nature requiring the aid of the court
- Uses excessive physical restraint upon the child under circumstances that do not indicate that the child's behavior is harmful to himself or herself, others, or property

Neglect
Citation: Ann. Stat. § 9:6-8.21

'Abused child' or 'abused or neglected child' means a child younger than age 18 whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent, guardian, or other person having custody and control, to exercise a minimum degree of care:

- In supplying the child with adequate food, clothing, shelter, education, medical, or surgical care, although financially able to do so or although offered financial or other reasonable means to do so
- In providing the child with proper supervision or guardianship

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 9:6-8.21

The terms 'abused child' or 'abused or neglected child' include a child under age 18 whose parent, guardian, or other person having custody and control commits or allows to be committed an act of sexual abuse against the child.

Emotional Abuse
Citation: Ann. Stat. § 9:6-8.21

The terms 'abused child' or 'abused or neglected child' include a child under age 18 who is in an institution and:

- Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being
- Who has been willfully isolated from ordinary social contact under circumstances that indicate emotional or social deprivation

Abandonment
Citation: Ann. Stat. § 9:6-8.21

The terms 'abused child' or 'abused or neglected child' include a child under age 18 who has been willfully abandoned by his or her parent, guardian, or other person having custody and control.

Standards for Reporting
Citation: Ann. Stat. § 9:6-8.10

A report is required when any person has reasonable cause to believe that a child has been subjected to child abuse.

Persons Responsible for the Child
Citation: Ann. Stat. § 9:6-8.21

'Parent or guardian' means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care.

Parent or guardian includes a teacher, employee, or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution, regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school.

Exceptions
Citation: Ann. Stat. § 9:6-8.21

No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

New Mexico

Physical Abuse
Citation: Ann. Stat. § 32A-4-2

'Abused child' means a child:

- Who has suffered or is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, or custodian
- Who has suffered physical abuse inflicted or caused by the child's parent, guardian, or custodian
- Whose parent, guardian, or custodian has knowingly, intentionally, or negligently placed the child in a situation that may endanger the child's life or health
- Whose parent, guardian, or custodian has knowingly or intentionally tortured, cruelly confined, or cruelly punished the child

'Physical abuse' includes, but is not limited to, any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and:

- There is no justifiable explanation for the condition or death.
- The explanation given for the condition or death is at variance with the degree or nature of the condition or the nature of the death.
- Circumstances indicate that the condition or death may not be the product of an accidental occurrence.

Neglect
Citation: Ann. Stat. § 32A-4-2

'Neglected child' means a child:

- Who has been abandoned by the child's parent, guardian, or custodian
- Who is without proper parental care and control or subsistence, education, medical, or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian, or custodian or that person's failure or refusal to provide them
- Who has been physically or sexually abused when the child's parent, guardian, or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm
- Whose parent, guardian, or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental disorder or incapacity
- Who has been placed for care or adoption in violation of the law

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 32A-4-2

The term 'abused child' includes a child who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, or custodian.

'Sexual abuse' includes, but is not limited to, criminal sexual contact, incest, or criminal sexual penetration, as those acts are defined by State law.

'Sexual exploitation' includes, but is not limited to:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, encouraging, or engaging a child in obscene or pornographic photographing
- Filming or depicting a child for obscene or pornographic commercial purposes

Emotional Abuse
Citation: Ann. Stat. § 32A-4-2

The term 'abused child' includes a child who has suffered emotional or psychological abuse inflicted or caused by the child's parent, guardian, or custodian.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Ann. Stat. § 32A-4-2

'Abandonment' includes instances when the parent, without justifiable cause:

- Left the child without provision for the child's identification for a period of 14 days
- Left the child with others, including the other parent or an agency, without provision for support and without communication, for a period of 3 months if the child was younger than age 6 at the commencement of the 3-month period, or 6 months if the child was older than age 6 at the commencement of the 6-month period

Standards for Reporting
Citation: Ann. Stat. § 32A-4-3

A report is required when any person knows or has a reasonable suspicion that the child is abused or neglected.

Persons Responsible for the Child
Citation: Ann. Stat. § 32A-4-2

Responsible persons include the child's parent, guardian, or custodian.

Exceptions
Citation: Ann. Stat. § 32A-4-2

A child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination and by a duly accredited practitioner thereof, is not for that reason alone a neglected child.

New York

Physical Abuse
Citation: Soc. Serv. Law § 371

'Abused child' means a child younger than age 18 whose parent or other person legally responsible for his or her care:

- Inflicts or allows to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ
- Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means that would be likely to cause death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ

Neglect
Citation: Soc. Serv. Law § 371

'Neglected child' means a child younger than age 18 whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his or her care to exercise a minimum degree of care:

- In supplying the child with adequate food, clothing, shelter, education, or medical or surgical care, although financially able to do so or offered financial or other reasonable means to do so
- In providing the child with proper supervision or guardianship
- By unreasonably inflicting or allowing harm to be inflicted, or a substantial risk thereof, including the infliction of excessive corporal punishment
- By misusing drugs or alcoholic beverages to the extent that he or she loses self-control of his or her actions
- By any other acts of a similarly serious nature requiring the aid of the court

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Soc. Serv. Law § 371; Family Court Act § 1012

The term 'abused child' includes a child younger than age 18 whose parent or other person legally responsible for his or her care commits, or allows to be committed, an act of sexual abuse against such child, as defined in penal law.

The term 'abused child' also includes a child younger than age 18 whose parent or other person legally responsible for his care:

- Commits or allows to be committed any sex offense against the child, as defined in article 130 of the penal law, including sexual misconduct, rape, and sexual abuse
- Allows, permits, or encourages the child to engage in child prostitution, as described in §§ 230.25, 230.30, and 230.32 of the penal law
- Commits an act of incest, as described §§ 255.25, 255.26, and 255.27 of the penal law
- Allows the child to engage in acts or conduct to produce, promote, or possess child pornography, as described in article 263 of the penal law

Emotional Abuse
Citation: Family Court Act § 1012

'Impairment of emotional health' and 'impairment of mental or emotional condition' includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, acting out, or misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

Abandonment
Citation: Soc. Serv. Law § 384-b

A child is 'abandoned' by his or her parent if such parent evinces an intent to forgo his or her parental rights and obligations as manifested by his or her failure to visit the child and communicate with the child or agency, although able to do so and not prevented or discouraged from doing so by the agency. In the absence of evidence to the contrary, such ability to visit and communicate shall be presumed.

Standards for Reporting
Citation: Soc. Serv. Law § 413

A report is required when a mandatory reporter has reasonable cause to suspect that a child coming before him or her in his or her professional or official capacity is an abused or maltreated child.

Persons Responsible for the Child
Citation: Soc. Serv. Law § 371; Family Court Act § 1012

Responsible persons include the child's parent and other persons legally responsible for the child's care.

The term 'person legally responsible' includes the child's custodian, guardian, and any other person responsible for the child's care at the relevant time. A custodian may include a person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Exceptions
Citation: Soc. Serv. Law § 371

When the parent is voluntarily and regularly participating in a rehabilitative program, evidence that the parent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he or she loses self-control of his or her actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

North Carolina

Physical Abuse
Citation: Gen. Stat. § 7B-101

'Abused juvenile' means any child younger than age 18 whose parent, guardian, custodian, or caregiver:

- Inflicts or allows to be inflicted upon the child a serious physical injury by other than accidental means
- Creates or allows to be created a substantial risk of serious physical injury to the child by other than accidental means
- Uses or allows to be used upon the child cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior
- Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile
- Commits or allows to be committed the offense of human trafficking, involuntary servitude, or sexual servitude against the child

Neglect
Citation: Gen. Stat. § 7B-101

'Neglected juvenile' means a child:

- Who does not receive proper care, supervision, or discipline from his or her parent, guardian, custodian, or caregiver
- Who is not provided necessary medical or remedial care
- Who lives in an environment injurious to his or her welfare
- Who has been placed for care or adoption in violation of law

In determining whether a child is a neglected juvenile, it is relevant whether that child lives in a home where another child has died as a result of suspected abuse or neglect or has been subjected to abuse or neglect by an adult who regularly lives in the home.

'Serious neglect' means conduct, behavior, or inaction of the juvenile's parent, guardian, custodian, or caregiver that evidences a disregard of consequences of such magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile's health, welfare, or safety, but does not constitute abuse.

Sexual Abuse/Exploitation
Citation: Gen. Stat. § 7B-101

The term 'abused juvenile' includes any child younger than age 18 whose parent, guardian, custodian, or caregiver commits, permits, or encourages the commission of a violation of the following laws regarding sexual offenses by, with, or upon the child:

- First and second degree rape or sexual offense
- Rape of a child by an adult offender
- Sexual act by a custodian
- Unlawful sale, surrender, or purchase of a minor
- Crime against nature or incest
- Preparation of obscene photographs, slides, or motion pictures of the child
- Employing or permitting the child to assist in a violation of the obscenity laws
- Dissemination of obscene material to the child
- Displaying or disseminating material harmful to the child
- First and second degree sexual exploitation of the child
- Promoting the prostitution of the child
- Taking indecent liberties with the child

Emotional Abuse
Citation: Gen. Stat. § 7B-101

The term 'abused juvenile' includes any child younger than age 18 whose parent, guardian, custodian, or caregiver creates or allows to be created serious emotional damage to the child. Serious emotional damage is evidenced by a child's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others.

Abandonment
Citation: Gen. Stat. § 7B-101

The term 'neglected juvenile' includes a child who has been abandoned.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Standards for Reporting
Citation: Gen. Stat. § 7B-301

A report is required when any person has cause to suspect that any juvenile is abused, neglected, or dependent or has died as the result of maltreatment.

Persons Responsible for the Child
Citation: Gen. Stat. § 7B-101

'Responsible individual' means a parent, guardian, custodian, or caretaker who abuses or seriously neglects a juvenile.

The term 'caretaker' means any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting, including:

- A stepparent, foster parent, or an adult member of the juvenile's household
- An adult relative entrusted with the juvenile's care
- Any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility
- Any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services

'Caretaker' also means any person who has the responsibility for the care of a juvenile in a child care facility and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider.

Exceptions

No exceptions are specified in statute.

North Dakota

Physical Abuse
Citation: Cent. Code §§ 50-25.1-02; 14-09-22

'Abused child' means an individual younger than age 18 who is suffering from abuse as defined in § 14-09-22(1), caused by a person responsible for the child's welfare.

A child is abused when a parent, adult family or household member, guardian, or other custodian of any child willfully does any of the following:

- Inflicts or allows to be inflicted upon the child bodily injury, substantial bodily injury, serious bodily injury, or mental injury
- Fails to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals
- Permits the child to be, or fails to exercise reasonable diligence in preventing the child from being, in a disreputable place or associating with vagrants or vicious or immoral persons
- Permits the child to engage in, or fails to exercise reasonable diligence in preventing the child from engaging in, an occupation forbidden by the laws of this State or an occupation injurious to the child's health or morals, or the health or morals of others

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Cent. Code §§ 50-25.1-02; 27-20-02

'Neglected child' means a deprived child as defined in chapter 27-20.

'Deprived child' means a child who:

- Is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, or emotional health or morals; and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian
- Has been placed for care or adoption in violation of law
- Is without proper parental care, control, education, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents; and such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is requested by a parent
- Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court
- Was subject to prenatal exposure to chronic and severe use of alcohol or any controlled substance in a manner not lawfully prescribed by a practitioner
- Is present in an environment that subjects the child to exposure to a controlled substance or drug paraphernalia

'Prenatal exposure to a controlled substance' means use of a controlled substance by a pregnant woman for a nonmedical purpose during pregnancy as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery of the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance.

Sexual Abuse/Exploitation
Citation: Cent. Code § 50-25.1-02

'Sexually abused child' means an individual younger than age 18 who is subjected by a person responsible for the child's welfare or by any individual to sexual abuse, as described in §§ 12.1-20-01 through 12.1-20-07 and §§ 12.1-20-11 through 12.1-20-12.2, or sexual exploitation, as described in chapter 12.1-27.2.

Emotional Abuse
Citation: Cent. Code § 50-25.1-02

A child is an 'abused child' when the person responsible for the child's welfare inflicts or allows to be inflicted upon the child a mental injury.

Abandonment
Citation: Cent. Code § 27-20-02

The term 'abandon' means:

- Failure by a noncustodial parent, without justifiable cause, to communicate significantly with the child or to provide for the care and support of the child as required by law
- Actions by a custodial parent that include:
  - Leaving the child for an indefinite period without making firm and agreed upon plans with the child's immediate caregiver for the parents' resumption of physical custody
  - Following the child's birth or treatment at a hospital, failing to arrange for the child's discharge within 10 days after the child no longer requires hospital care
  - Willfully failing to furnish food, shelter, clothing, or medical attention that is reasonably sufficient to meet the child's needs

'Abandoned infant' means a child who has been abandoned before reaching age 1.

Standards for Reporting
Citation: Cent. Code § 50-25.1-03

A report is required when a mandatory reporter knows or has reasonable cause to suspect that a child is abused or neglected or has died as a result of abuse or neglect.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Cent. Code § 50-25.1-02

'A person responsible for the child's welfare' means a person who has responsibility for the care or supervision of a child and who is:

- The child's parent, an adult family member of the child, any member of the child's household, the child's guardian, or the child's foster parent
- An employee of, or any person providing care for the child in, a public or private school or child care setting

Exceptions

No exceptions are specified in statute.

Northern Mariana Islands

Physical Abuse
Citation: Commonwealth Code Tit. 6, § 5312

A person commits the offense of child abuse if the person willfully and intentionally strikes, beats, or by any other act or omission inflicts physical pain, injury, or mental distress upon a child younger than age 18 who is in the person's custody or over whom the person occupies a position of authority, when such pain or injury is clearly beyond the scope of reasonable corporal punishment, with the result that the child's physical or mental health and well-being are harmed or threatened.

Neglect
Citation: Commonwealth Code Tit. 6, § 5312

A person commits the offense of child abuse if the person through willful or negligent act or omission fails to provide a child younger than age 18 who is in the person's custody or over whom the person occupies a position of authority with adequate supervision, medical care, food, clothing, or shelter, with the result that the child's physical or mental health and well-being are harmed or threatened.

Sexual Abuse/Exploitation
Citation: Commonwealth Code Tit. 6, §§ 1314; 5312

A person commits the offense of child abuse if the person commits any act that would constitute a criminal offense under title 6, §§ 1306 through 1311 (including sexual abuse of a minor and incest) against a child younger than age 18 who is in the person's custody or over whom the person occupies a position of authority.

A person commits the crime of unlawful exploitation of a minor if, with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed below, the person knowingly induces or employs a child younger than age 18 to engage in, or photographs, films, records, or televises a child younger than age 18 engaged in, the following actual or simulated conduct:

- Sexual penetration
- The lewd touching of another person's genitals, anus, or breast
- The lewd touching by another person of the child's genitals, anus, or breast
- Masturbation
- Bestiality
- The lewd exhibition of the child's genitals
- Sexual masochism or sadism

A parent, legal guardian, or person having custody or control of a child younger than age 18 commits the crime of unlawful exploitation of a minor if the person permits the child to engage in conduct described above knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

Emotional Abuse
Citation: Commonwealth Code Tit. 6, § 5312

'Mental distress' means an effect on the intellectual or psychological capacity of a child as evidenced by observable and substantial impairment of his or her ability to function within normal ranges of performance and behavior, with due regard to his or her culture.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Commonwealth Code Tit. 6, § 5313

A report is required when a mandatory reporter comes into contact in a professional capacity with a child who the person knows or has reasonable cause to suspect is, or will become, a victim of child abuse.

Persons Responsible for the Child
Citation: Commonwealth Code Tit. 6, §§ 1314; 5312

'Position of authority' means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor.

'In the person's custody' means in the custody of the child's parent (including natural parents, stepparents, and adopted parents), legal guardian, foster parent, an employee of a public or private residential home or facility, or any other person over age 18 responsible for the child's welfare in a residential setting.

Exceptions
Citation: Commonwealth Code Tit. 6, § 5312

Child abuse does not include the exercise of reasonable and traditional parental discipline, which may be determined in reference to prevailing community and cultural standards.

Ohio

Physical Abuse
Citation: Rev. Stat. §§ 2151.031; 2919.22

'Abused child' includes any child who:

- Is endangered as defined § 2919.22
- Exhibits evidence of any physical or mental injury or death, inflicted by other than accidental means, that is at variance with the history given of it
- Suffers physical or mental injury that harms or threatens to harm the child's health or welfare because of the acts of his or her parent, guardian, or custodian
- Is subjected to out-of-home-care child abuse

'Endangering children' includes any of the following acts committed against a child under age 18 or a mentally or physically handicapped child under age 21:

- Abuse, torture, or cruel abuse
- Corporal punishment, other physical disciplinary measure, or physical restraint in a cruel manner or for a prolonged period that creates a substantial risk of serious physical harm to the child
- Repeated and unwarranted disciplinary measures that, if continued, create a substantial risk of serious impairment of the child's mental health or development
- Allowing the child to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within 100 feet of, the illegal manufacture of drugs, cultivation of marijuana, or possession of chemicals for the illegal manufacture, when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Rev. Stat. § 2151.03(A)

'Neglected child' includes any child:

- Who lacks proper parental care because of the faults or habits of the child's parents, guardian, or custodian
- Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well-being
- Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition
- Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of statutes regarding the placement and adoption of children
- Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare
- Who is subjected to child neglect in out-of-home care

Sexual Abuse/Exploitation
Citation: Rev. Stat. §§ 2151.031; 2907.01; 2919.22

The term 'abused child' includes a child who is the victim of sexual activity when such activity would constitute an offense, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child. Sexual activity means sexual conduct or sexual contact or both.

'Sexual conduct' means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body of any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

'Sexual contact' means any touching of an erogenous zone of another, including without limitation, the thigh, genitals, buttocks, pubic region, and if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

A person commits the crime of 'endangering children' when the person does any of the following to a child: Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, sexually oriented, or nudity-oriented matter.

Emotional Abuse
Citation: Rev. Stat. § 2151.011

'Mental injury' means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in § 2919.22 and is committed by a parent or other person who is responsible for the child's care.

Abandonment
Citation: Rev. Stat. §§ 2151.03(A); 2151.011

The term 'neglected child' includes a child who is abandoned by his or her parents, guardian, or custodian.

A child shall be presumed abandoned when his or her parents have failed to visit or maintain contact with him or her for more than 90 days, regardless of whether the parents resume contact with the child after that period of 90 days.

Standards for Reporting
Citation: Rev. Stat. § 2151.421

A report is required when a mandatory reporter acting in an official or professional capacity knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child younger than age 18 or a mentally retarded, developmentally disabled, or physically impaired child younger than age 21 has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Rev. Stat. §§ 2151.03(A); 2151.011

Responsible persons include:

- The child's parents, guardian, or custodian
- Other persons responsible for the child's care

Exceptions
Citation: Rev. Stat. §§ 2151.03(B); 2151.031; 2919.22

Nothing in this chapter shall be construed as subjecting a parent to criminal liability when, solely in the practice of religious beliefs, the parent fails to provide adequate medical or surgical care or treatment for the child. This section:

- Does not abrogate or limit any person's responsibility to report child abuse or neglect that is known or reasonably suspected or believed to have occurred, and to report children who are known to face or are reasonably suspected or believed to be facing a threat of suffering abuse or neglect
- Does not preclude any exercise of the authority of the State, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires it

A child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent is not an abused child if the measure is not prohibited under § 2919.22 [that prohibits cruel or excessive means of discipline].

Oklahoma

Physical Abuse
Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Abuse' means harm, threatened harm, or failure to protect from harm or threatened harm, to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including, but not limited to, nonaccidental physical or mental injury, sexual abuse, or sexual exploitation.

'Harm or threatened harm to the health or safety of a child' means any real or threatened physical, mental, or emotional injury or damage to the body or mind that is not accidental, including, but not limited to, sexual abuse, sexual exploitation, neglect, or dependency.

'Heinous and shocking abuse' includes, but is not limited to, aggravated physical abuse that results in serious bodily, mental, or emotional injury. 'Serious bodily injury' means injury that involves:

- A substantial risk of death
- Extreme physical pain
- Protracted disfigurement
- A loss or impairment of the function of a body member, organ, or mental faculty
- An injury to an internal or external organ or the body
- A bone fracture
- Sexual abuse or sexual exploitation
- Chronic abuse, including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation that is repeated or continuing
- Torture, including, but not limited to, inflicting, participating in, or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person
- Any other similar aggravated circumstance

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Neglect' means any of the following:

- The failure or omission to provide any of the following:
  - Adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education
  - Medical, dental, or behavioral health care
  - Supervision or appropriate caregivers
  - Special care made necessary by the physical or mental condition of the child
- The failure or omission to protect a child from exposure to any of the following:
  - The use, possession, sale, or manufacture of illegal drugs
  - Illegal activities
  - Sexual acts or materials that are not age-appropriate
- Abandonment

'Heinous and shocking neglect' includes, but is not limited to:

- Chronic neglect, including a persistent pattern of family functioning, in which the caregiver has not met or sustained the basic needs of a child that results in harm to the child
- Neglect that has resulted in a diagnosis for the child of failure to thrive
- An act or failure to act by a parent that results in the death or near death of a child or sibling, or serious physical or emotional harm, sexual abuse or sexual exploitation, or presents an imminent risk of serious harm to a child
- Any other similar aggravating circumstance

'Drug-endangered child' means a child who is at risk of suffering physical, psychological, or sexual harm as a result of the use, possession, distribution, manufacture, or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety, or welfare of the child. This term includes circumstances in which the substance abuse of the person responsible for the health, safety, or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child. The term also includes newborns who test positive for a controlled dangerous substance, with the exception of those substances administered under the care of a physician.

Sexual Abuse/Exploitation
Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Harm or threatened harm to a child's health or safety' includes, but is not limited to, sexual abuse or sexual exploitation.

'Sexual abuse' includes, but is not limited to, rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the child's health, safety, or welfare.

'Sexual exploitation' includes, but is not limited to:

- Allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the child's health, safety, or welfare
- Allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child in those acts by a person responsible for the child's health, safety, or welfare

Emotional Abuse
Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Harm or threatened harm to a child's health or safety' includes, but is not limited to, mental injury.

Abandonment
Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Abandonment' means:

- The willful intent by words, actions, or omissions not to return for a child
- The failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant
- The failure to respond to notice of deprived proceedings

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Standards for Reporting
Citation: Ann. Stat. Tit. 10A, § 1-2-101

A report is required when any person has reason to believe that a child is a victim of abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Stat. Tit. 10A, § 1-1-105

'Person responsible for a child's health, safety, or welfare' includes:

- A parent, legal guardian, custodian, or foster parent
- A person age 18 or older with whom the child's parent cohabits or any other adult residing in the home of the child
- An agent or employee of a public or private residential home, institution, facility, or day treatment program or an owner, operator, or employee of a child care facility

Exceptions
Citation: Ann. Stat. Tit. 10A, § 1-1-105

Nothing contained in this act shall prohibit any parent, teacher, or other person from using ordinary force as a means of discipline, including, but not limited to, spanking, switching, or paddling.

A child is not considered abused or neglected for the sole reason that the parent, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

No medical treatment of a child with a disability shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child.

Oregon

Physical Abuse
Citation: Rev. Stat. § 419B.005

'Abuse' means:

- An assault on a child and physical injury to a child that has been caused by other than accidental means, including injury that appears to be at variance with the explanation given of the injury
- Threatened harm to a child that means subjecting a child to a substantial risk of harm to the child's health or welfare
- Buying or selling a person under age 18, as described in § 163.537
- Permitting a person under age 18 to enter or remain in or upon premises where methamphetamine is being manufactured
- Unlawful exposure to a controlled substance that subjects a child to a substantial risk of harm to his or her health or safety

Neglect
Citation: Rev. Stat. § 419B.005

The term 'abuse' includes negligent treatment or maltreatment of a child, including, but not limited to, the failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the health or welfare of the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Rev. Stat. § 419B.005

The term 'abuse' includes:

- Rape of a child, which includes but is not limited to, rape, sodomy, unlawful sexual penetration, and incest
- Sexual abuse as described in chapter 163
- Sexual exploitation, including, but not limited to:
  - Contributing to the sexual delinquency of a minor
  - Conduct that allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe, or the photographing, filming, tape recording, or other exhibition that, in whole or in part, depicts sexual conduct or contact, sexual abuse involving a child, or rape of a child
  - Allowing, permitting, encouraging, or hiring a child to engage in prostitution

Emotional Abuse
Citation: Rev. Stat. § 419B.005

The term 'abuse' includes any mental injury to a child that shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Rev. Stat. § 419B.010

A report is required when a public or private official has reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child.

Persons Responsible for the Child
Citation: Rev. Stat. § 419B.005

'Responsible person' may include any person.

Exceptions
Citation: Rev. Stat. § 419B.005

Abuse does not include reasonable exercise of parental discipline.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Pennsylvania

Physical Abuse
Citation: Cons. Stat. Tit. 23, § 6303

Effective December 31, 2014: The term 'child abuse' shall mean intentionally, knowingly, or recklessly doing any of the following:

- Causing bodily injury to a child through any recent act or failure to act
- Fabricating, feigning, or intentionally exaggerating or inducing a medical symptom or disease that results in a potentially harmful medical evaluation or treatment to the child through any recent act
- Causing sexual abuse or exploitation of a child through any act or failure to act
- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act
- Causing serious physical neglect of a child
- Engaging in any of the following recent acts:
  - Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child
  - Unreasonably restraining or confining a child, based on consideration of the method, location, or the duration of the restraint or confinement
  - Forcefully shaking a child younger than age 1
  - Forcefully slapping or otherwise striking a child younger than age 1
  - Interfering with the breathing of a child
  - Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement
  - Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:
    - Is required to register as a Tier II or Tier III sexual offender, when the victim of the sexual offense was younger than age 18 when the crime was committed
    - Has been determined to be a sexually violent predator
    - Has been determined to be a sexually violent delinquent child

Neglect
Citation: Cons. Stat. Tit. 23, § 6303

Effective December 31, 2014: 'Serious physical neglect' means any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury, or impairs a child's health, development, or functioning:

- A repeated, prolonged, or unconscionable egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities
- The failure to provide a child with adequate essentials of life, including food, shelter, or medical care

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Cons. Stat. Tit. 23, § 6303

Effective December 31, 2014: 'Sexual abuse or exploitation' means any of the following:

- The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, including, but not limited to, the following:
  - Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual
  - Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual
  - Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual
  - Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting, or filming
- Any of the following offenses committed against a child:
  - Rape, as defined in 18 Pa.C.S. § 3121
  - Statutory sexual assault, as defined in 18 Pa.C.S. § 3122.1
  - Involuntary deviate sexual intercourse, as defined in 18 Pa.C.S. § 3123
  - Sexual assault, as defined in 18 Pa.C.S. § 3124.1
  - Institutional sexual assault, as defined in 18 Pa.C.S. § 3124.2
  - Aggravated indecent assault, as defined in 18 Pa.C.S. § 3125
  - Indecent assault, as defined in 18 Pa.C.S. § 3126
  - Indecent exposure, as defined in 18 Pa.C.S. § 3127
  - Incest, as defined in 18 Pa.C.S. § 4302
  - Prostitution, as defined in 18 Pa.C.S. § 5902
  - Sexual abuse of children, as defined in 18 Pa.C.S. § 6312
  - Unlawful contact with a minor, as defined in 18 Pa.C.S. § 6318
  - Sexual exploitation of children, as defined in 18 Pa.C.S. § 6320

Emotional Abuse
Citation: Cons. Stat. Tit. 23, § 6303

Effective December 31, 2014: The term 'child abuse' includes causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

'Serious mental injury' means a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

- Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that the child's life or safety is threatened
- Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Cons. Stat. Tit. 23, § 6311

Effective December 31, 2014: A report is required when a mandatory reporter has reasonable cause to suspect that a child is a victim of child abuse.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Cons. Stat. Tit. 23, § 6303

Effective December 31, 2014: 'Perpetrator' means a person who has committed child abuse as defined in this section. The term includes only the following:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person age 14 or older and responsible for the child's welfare
- An individual who is age 14 or older who resides in the same home as the child
- An individual age 18 or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child

Only the following may be considered a perpetrator for failing to act, as provided in this section:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person age 18 or older who is responsible for the child's welfare
- A person age 18 or older who resides in the same home as the child

A 'person responsible for the child's welfare' is a person who provides permanent or temporary care; supervision; mental health diagnosis or treatment; training; or control of a child in lieu of parental care, supervision, and control. The term includes any such person who has direct or regular contact with a child through any program, activity, or service sponsored by a school, for-profit organization, or religious or other not-for-profit organization.

Exceptions
Citation: Cons. Stat. Tit. 23, §§ 6303; 6304

Effective December 31, 2014: The term 'sexual abuse' does not include consensual activities between a child who is age 14 or older and another person who is age 14 or older and whose age is within 4 years of the child's age.

No child shall be deemed to be abused based on injuries that result solely from environmental factors, such as inadequate housing, clothing, and medical care, that are beyond the control of the parent.

If, upon investigation, the county agency determines that a child has not been provided needed medical care because of sincerely held religious beliefs of the child's parents, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. In such cases, the county agency shall closely monitor the child and the child's family and shall seek court-ordered medical intervention when the lack of medical care threatens the child's life or long-term health. The family shall be referred for general protective services, if appropriate. This subsection shall not apply if the failure to provide needed medical care causes the death of the child.

The use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:

- The use of reasonable force constitutes incidental, minor, or reasonable physical contact with the child that are designed to maintain order and control.
- The use of reasonable force is necessary:
  - To quell a disturbance or remove the child from the scene of a disturbance that threatens physical injury to persons or damage to property
  - To prevent the child from self-inflicted physical harm
  - For self-defense or the defense of another individual
  - To obtain possession of weapons, dangerous objects, or controlled substances or paraphernalia that are on or within the control of the child

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Puerto Rico

Physical Abuse
Citation: Ann. Laws Tit. 8, § 444

'Abuse' means any intentional act or omission by the father, mother, or other person in charge of the minor of such a nature that it causes or puts a minor at risk of suffering damage or harm to his or her health or physical, mental, and/or emotional integrity, including sexual abuse. Abuse shall also mean:

- Allowing another person to cause or to put the minor at risk of suffering damage or harm to his or her health or physical, mental, and/or emotional integrity
- Willfully abandoning a minor
- Allowing the father, mother, or other person in charge of the well-being of the minor to exploit him or her
- Allowing another person to exploit the minor by forcing or allowing the minor to perform any act, including but not limited to obscene acts for profit or in order to receive any other benefit, or to incur in any conduct that, if criminally prosecuted, would constitute a crime against the health or physical, mental, or emotional integrity of the minor, including sexual abuse of the minor

Minors will also be considered to be victims of abuse if the father, mother, or person responsible for the minor has engaged in acts that constitute domestic violence in the presence of minors.

'Physical harm' means any nonaccidental trauma, injury, or condition, including inadequate nourishment that, if left unattended, could result in death, disfigurement, illness, or temporary or permanent disability of any part or function of the body, including inadequate nourishment. The trauma, injury, or condition may also be the result of a single episode or several episodes.

Neglect
Citation: Ann. Laws Tit. 8, § 444; Tit. 31, § 634a(3)

'Neglect' means a type of abuse that consists of failing to perform the duties or to exercise the capacity to provide adequate food, clothing, shelter, education, or health care to a minor; failing to exercise supervision; or failing to visit the minor or to remain in contact or frequent communication with the minor.

It is also considered neglect when the parent fails to comply with the duties or exercise the powers provided in title 31, § 601(1). These duties include, but are not limited to, the duty of having the minor in his or her company according to law; of supervising his or her education and development; and of adequately providing sustenance, clothing, shelter, education, or health care, according to his or her wealth or with the means provided by the Commonwealth or any natural or juridical person. Health care includes any treatment or preventive measure required to attend to or prevent any condition involving the physical, mental, or emotional health of the minor.

Sexual Abuse/Exploitation
Citation: Ann. Laws Tit. 8, § 444

The term 'abuse' also means to engage in obscene behavior and/or use the minor to carry out obscene acts.

'Sexual abuse' means engaging in sexual conduct in the presence of a child and/or using the child, voluntarily or otherwise, to engage in sexual conduct aimed at satisfying lewdness, or any other act that, if criminally prosecuted, would constitute any of the following crimes: sexual assault, lewd acts, indecent exposure, or indecent proposals; or remitting, transporting, selling, distributing, publishing, exhibiting, or possessing obscene materials and obscene shows.

Emotional Abuse
Citation: Ann. Laws Tit. 8, § 444

'Mental or emotional harm' means the impairment of the intellectual or emotional capacity of a minor, given what is considered normal for his or her age or cultural environment. Moreover, emotional harm is deemed to exist when there is evidence that the minor recurrently manifests or exhibits behaviors such as fear, feelings of abandonment or hopelessness, frustration and failure, anxiety, insecurity, withdrawal, regressive behavior, or aggressive behavior toward himself or herself or toward others, or any other similar behavior.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Ann. Laws Tit. 8, § 444

'Abandonment' means willful dereliction of or being remiss in the responsibilities that the father, mother, or other person in charge of the minor have, taking into account the minor's age and need for adult care. The intention to abandon can be evidenced by, but is not limited to:

- A lack of communication with the minor for a period of at least 3 months
- A lack of participation in a plan or program designed to reunite the minor with the father, mother, or other person in charge of the well-being of the minor
- A failure to respond to notices of hearings for protection of the minor
- When the minor is found in circumstances that make it impossible to ascertain the identity of the father or mother; when the identity is known, but the whereabouts of the person is unknown, in spite of effort to locate him or her; or when the father or mother fails to claim the minor within 30 days after the minor is found

Standards for Reporting
Citation: Ann. Laws Tit. 8, § 446

A report is required when a mandatory reporter learns or comes to suspect that a minor has been or is at risk of becoming a victim of abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Laws Tit. 8, § 444

Responsible persons include the minor's father, mother, or person responsible for the welfare of the minor.

Exceptions
Citation: Ann. Laws Tit. 31, § 634a(3)

No person may be deprived of patria potestas for the legitimate practice of his or her religious beliefs. However, when due to the above, the person fails to provide the minor with specifically prescribed health care, the court shall provide adequate remedies to attend to the health of the minor, and in appropriate cases, shall deprive the person of his or her de jure or de facto guardianship, or even of patria potestas, as may be best for the minor's health.

Rhode Island

Physical Abuse
Citation: Gen. Laws § 40-11-2

'Abused and/or neglected child' means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury, including excessive corporal punishment
- Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment

'Shaken baby syndrome' means a form of abusive head trauma characterized by a constellation of symptoms caused by other than accidental traumatic injury resulting from the violent shaking and/or impact upon an infant or young child's head.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Gen. Laws § 40-11-2

The term 'abused and/or neglected child' includes a child whose physical or mental health or welfare is harmed or threatened with harm when the child's parent or other person responsible for his or her welfare:

- Fails to supply the child with adequate food, clothing, shelter, or medical care, although financially able to do so or offered financial or other reasonable means to do so
- Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so by situations or conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses his or her ability or is unwilling to properly care for the child

Sexual Abuse/Exploitation
Citation: Gen. Laws § 40-11-2

The term 'abused and/or neglected child' includes a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- Commits or allows to be committed against the child an act of sexual abuse
- Sexually exploits the child in that the person allows, permits, or encourages the child to engage in prostitution
- Sexually exploits the child in that the person allows, permits, encourages, or engages in the obscene or pornographic photographing, filming, or depiction of the child in a setting that, taken as a whole, suggests to the average person that the child is about to engage in or has engaged in any sexual act, or that depicts any such child under age 18 performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality
- Commits or allows to be committed any sexual offense against the child
- Commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under age 15; or if the child is age 15 or older, and (1) force or coercion is used by the perpetrator or (2) the perpetrator knows or has reason to know that the victim is a severely impaired person or physically helpless

Emotional Abuse
Citation: Gen. Laws § 40-11-2

'Mental injury' includes a state of substantially diminished psychological or intellectual functioning related to, but not limited to, such factors as failure to thrive, ability to think or reason, control of aggressive or self-destructive impulses, acting out or misbehavior, that include incorrigibility, ungovernability, or habitual truancy. The injury must be clearly attributable to the unwillingness or inability of the parent or other person responsible for the child's welfare to exercise a minimum degree of care toward the child.

Abandonment
Citation: Gen. Laws § 40-11-2

The term 'abused and/or neglected child' includes a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare abandons or deserts the child.

Standards for Reporting
Citation: Gen. Laws § 40-11-3

A report is required when any person has reasonable cause to know or suspect that a child has been abused or neglected.

Persons Responsible for the Child
Citation: Gen. Laws § 40-11-2

'Person responsible for child's welfare' means:

- The child's parent or guardian
- Any individual, age 18 age or older, who resides in the home of a parent or guardian and has unsupervised access to a child
- A foster parent
- An employee of a public or private residential home or facility
- Any staff person providing out-of-home care

Exceptions

No exceptions are specified in statute.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

South Carolina

Physical Abuse
Citation: Ann. Code § 63-7-20

'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions that present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment
- Abandons the child
- Encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement or approval
- Has committed abuse or neglect as described above such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect

'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

Neglect
Citation: Ann. Code § 63-7-20

'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, education as required by law, supervision appropriate to the child's age and development, or health care even though financially able to do so or offered financial or other reasonable means to do so, and the failure to do so has caused or presents a substantial risk of causing physical or mental injury.

Sexual Abuse/Exploitation
Citation: Ann. Code § 63-7-20

'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child.

Emotional Abuse
Citation: Ann. Code § 63-7-20

'Mental injury' means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

Abandonment
Citation: Ann. Code § 63-7-20

'Abandonment of a child' means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

Standards for Reporting
Citation: Ann. Code § 63-7-310

A report is required when a mandatory reporter, in his or her person's professional capacity, has received information that gives him or her reason to believe that a child has been or may be abused or neglected.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Persons Responsible for the Child
Citation: Ann. Code § 63-7-20

The term 'person responsible for a child's welfare' includes:

- The child's parent, guardian, or foster parent
- An operator, employee, or caregiver, as defined by § 63-13-20, of a public or private residential home, institution, agency, or child care facility
- An adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child

A person has not assumed the role or responsibility of a parent or guardian if that person's only role is as a caregiver whose contact is only incidental, such as a babysitter, or the person has only incidental contact but may not be a caregiver.

Exceptions
Citation: Ann. Code § 63-7-20

The term child abuse or neglect excludes corporal punishment or physical discipline that:

- Is administered by a parent or person in loco parentis
- Is perpetrated for the sole purpose of restraining or correcting the child
- Is reasonable in manner and moderate in degree
- Has not brought about permanent or lasting damage to the child
- Is not reckless or grossly negligent behavior by the parents

A child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate.

South Dakota

Physical Abuse
Citation: Ann. Laws § 26-8A-2

'Abused or neglected child' means a child:

- Whose parent, guardian, or custodian has subjected the child to mistreatment or abuse
- Who was subject to prenatal exposure to abusive use of alcohol, marijuana, any controlled drug, or a substance not lawfully prescribed by a practitioner

Neglect
Citation: Ann. Laws § 26-8A-2

The term 'abused or neglected child' includes a child:

- Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian
- Whose environment is injurious to the child's welfare
- Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being
- Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian
- Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamine or any other unlawfully manufactured controlled drug or substance

Sexual Abuse/Exploitation
Citation: Ann. Laws § 26-8A-2

The term 'abused or neglected child' includes a child who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Emotional Abuse
Citation: Ann. Laws § 26-8A-2

The term 'abused or neglected child' includes a child who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity, evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

Abandonment
Citation: Ann. Laws § 26-8A-2

The term 'abused or neglected child' includes a child whose parent, guardian, or custodian has abandoned the child.

Standards for Reporting
Citation: Ann. Laws § 26-8A-3

A report is required when a mandatory reporter has reasonable cause to suspect that a child has been abused or neglected.

Persons Responsible for the Child
Citation: Ann. Laws § 26-8A-2

Responsible persons include a child's parent, guardian, or custodian.

Exceptions

No exceptions are specified in statute.

Tennessee

Physical Abuse
Citation: Ann. Code § 37-1-102

'Abuse' exists when a person under age 18 is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caregiver.

'Severe child abuse' means:

- The knowing exposure of a child to, or the knowing failure to protect a child from, abuse or neglect that is likely to cause serious bodily injury or death, and the knowing use of force on a child that is likely to cause serious bodily injury
- Specific brutality, abuse, or neglect toward a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct
- The commission of any act towards the child prohibited by §§ 39-13-502 [aggravated rape], 39-13-504 [aggravated sexual battery], 39-13-515 [promoting prostitution], 39-13-522 [rape of a child], 39-15-302 [incest], 39-15-402 [aggravated child abuse, neglect, or endangerment], and 39-17-1005 [aggravated sexual exploitation of a minor], or the knowing failure to protect the child from the commission of any such act towards the child
- Knowingly allowing a child to be present within a structure where the act of creating methamphetamine is occurring

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Code § 37-1-102

'Dependent and neglected child' means a child:

- Who is without a parent, guardian, or legal custodian
- Whose parent, by reason of cruelty, mental incapacity, immorality, or depravity, is unfit to care properly for the child
- Who is under unlawful or improper care, supervision, custody, or restraint by any person, corporation, agency, association, institution, society, or other organization or who is unlawfully kept out of school
- Whose parent or guardian neglects or refuses to provide necessary medical, surgical, institutional, or hospital care
- Who, because of lack of proper supervision, is found in a place the existence of which is in violation of law
- Who is in a condition of such want or suffering, or is under such improper guardianship or control, as to injure or endanger his or her morals or health
- Who is suffering from abuse or neglect
- Who has been in the care and control of one or more agencies or persons not related by blood or marriage for a continuous period of 6 months or longer in the absence of a power of attorney or court order, and that person or agency has not initiated judicial proceedings seeking either legal custody or adoption of the child
- Who is or has been allowed, encouraged, or permitted to engage in prostitution or obscene or pornographic photographing, filming, posing, or similar activity, and whose parent or guardian neglects or refuses to protect the child from further such activity
- Who willfully has been left in the sole financial and physical care of a related caregiver for not less than 18 consecutive months by the child's parent(s) or legal custodian, and the child will suffer substantial harm if removed from the continuous care of such relative

Sexual Abuse/Exploitation
Citation: Ann. Code § 37-1-602

'Child sexual abuse' means the commission of any act involving the unlawful sexual abuse, molestation, fondling, or carnal knowledge of a child under age 13 that, on or after November 1, 1989, constituted the criminal offense of:

- Aggravated rape, sexual battery, or sexual exploitation of a minor
- Criminal attempt for any of the offenses listed above
- Especially aggravated sexual exploitation of a minor
- Incest
- Rape, sexual battery, or sexual exploitation of a minor

The term 'child sexual abuse' also means one or more of the following acts:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen
- Any contact between the genitals or anal opening of one person and the mouth or tongue of another person
- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose
- Intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator
- Intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose
- Sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution or engage in sexual exploitation

Emotional Abuse
Citation: Ann. Code § 37-1-602

'Mental injury' means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Ann. Code §§ 37-1-403; 37-1-605

A report is required when any person has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse, or neglect.

A report is required when any person knows or has reasonable cause to suspect that a child has been sexually abused.

Persons Responsible for the Child
Citation: Ann. Code §§ 37-1-102; 37-1-602

Responsible persons include:

- The child's parent or guardian
- A person with whom the child lives
- Any 'other person responsible for a child's care or welfare' that includes, but is not limited to:
  - A legal custodian or foster parent
  - An employee of a public or private child care agency or public or private school
  - Any other person legally responsible for the child's welfare in a residential setting

Exceptions
Citation: Ann. Code § 37-1-602

Child sexual abuse does not include acts intended for a valid medical purpose or acts that may reasonably be construed to be normal caregiver responsibilities or interactions with or affection for a child.

Texas

Physical Abuse
Citation: Fam. Code § 261.001

'Abuse' means the following acts or omissions by a person:

- Physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or conservator that does not expose the child to a substantial risk of harm
- Failure to make a reasonable effort to prevent an action by another person that results in physical injury or substantial harm to the child
- The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a child
- Causing, expressly permitting, or encouraging a child to use a controlled substance

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Fam. Code § 261.001

'Neglect' means the following acts or omissions by a person:

- Placing a child in, or failing to remove a child from, a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child
- Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury, or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child
- Failing to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability, unless relief services had been offered and refused
- Placing a child in, or failing to remove the child from, a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child
- Placing a child in, or failing to remove the child from, a situation in which the child would be exposed to acts or omissions that constitute sexual abuse
- The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away

Sexual Abuse/Exploitation
Citation: Fam. Code § 261.001

The term 'abuse' includes the following acts or omissions by a person:

- Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child (§ 21.02, Penal Code), indecency with a child (§ 21.11, Penal Code), sexual assault (§ 22.011, Penal Code), or aggravated sexual assault (§ 22.021, Penal Code)
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child
- Compelling or encouraging the child to engage in sexual conduct (as defined by § 43.01, Penal Code), including conduct that constitutes an offense of trafficking of persons (§ 20A.02(a)(7) or (8), Penal Code), prostitution (§ 43.02(a)(2), Penal Code), or compelling prostitution (§ 43.05(a)(2), Penal Code)
- Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined by § 43.21, Penal Code) or pornographic
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child (as defined by § 43.25, Penal Code)
- Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under § 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections

Emotional Abuse
Citation: Fam. Code § 261.001

The term 'abuse' includes the following acts or omissions by a person:

- Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning
- Causing or permitting a child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning

'Severe emotional disturbance' means a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Fam. Code § 261.001

The term 'neglect' includes leaving a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of intent not to return by a parent, guardian, or conservator of the child.

Standards for Reporting
Citation: Fam. Code § 261.101

A report is required when there is cause to believe that the child's physical or mental health has been adversely affected by abuse or neglect.

Persons Responsible for the Child
Citation: Fam. Code § 261.001

'Person responsible for a child's care, custody, or welfare' means a person who traditionally is responsible for a child's care, custody, or welfare, including:

- A parent, guardian, conservator, or foster parent of the child
- A member of the child's family or household, meaning persons living together in the same dwelling, without regard to whether they are related to each other, and includes persons who previously lived in the household
- A person with whom the child's parent cohabits
- School personnel or a volunteer at the child's school
- Personnel or a volunteer at a public or private child care facility that provides services for the child or at a public or private residential institution or facility where the child resides

Exceptions
Citation: Fam. Code § 261.001

Abuse does not include reasonable discipline by a parent that does not expose the child to substantial risk of harm.

Utah

Physical Abuse
Citation: Ann. Code § 78A-6-105

'Abuse' means:

- Nonaccidental harm of a child
- Threatened harm of a child
- Sexual exploitation
- Sexual abuse
- That a child's natural parent:
  - » Intentionally, knowingly, or recklessly causes the death of another parent of the child
  - » Is identified by a law enforcement agency as the primary suspect in an investigation for intentionally, knowingly, or recklessly causing the death of another parent of the child
  - » Is being prosecuted for or has been convicted of intentionally, knowingly, or recklessly causing the death of another parent of the child

'Abused child' means a child who has been subjected to abuse.

'Harm' means:

- Physical, emotional, or developmental injury or damage
- Sexual abuse or sexual exploitation

'Physical abuse' means abuse that results in physical injury or damage to a child.

'Severe abuse' means abuse that causes or threatens to cause serious harm to a child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Neglect
Citation: Ann. Code § 78A-6-105

'Neglect' means:

- Lack of proper parental care of a child by reason of the fault or habits of the parent, guardian, or custodian
- Failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child's health, safety, morals, or well-being
- A child at risk of being neglected or abused because another child in the same home is neglected or abused

'Neglected child' means a child who has been subjected to neglect.

'Severe neglect' means neglect that causes or threatens to cause serious harm to a child.

Sexual Abuse/Exploitation
Citation: Ann. Code § 78A-6-105

'Sexual abuse' means:

- An act or attempted act of sexual intercourse, sodomy, incest, or molestation directed toward a child
- Engaging in any conduct with a child that would constitute an offense under any of the following terms, regardless of whether the person who engages in the conduct is actually charged with or convicted of the offense:
  - Any sexual offense
  - Child bigamy
  - Incest
  - Lewdness or sexual battery
  - Lewdness involving a child
  - Voyeurism

'Sexual exploitation' means knowingly:

- Employing, using, persuading, inducing, enticing, or coercing any child to:
  - Pose in the nude for the purpose of sexual arousal of any person
  - Engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct
- Displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child:
  - In the nude, for the purpose of sexual arousal of any person
  - Engaging in sexual or simulated sexual conduct
- Engaging in conduct that would constitute an offense under § 76-5b-201, Sexual Exploitation of Children, regardless of whether the person who engages in the conduct is actually charged with or convicted of the offense

'Incest' means engaging in sexual intercourse with a person whom the perpetrator knows to be his or her ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin. This includes relationships of:

- The whole or half blood, without regard to legitimacy
- Parent and child by adoption
- Stepparent and stepchild while the marriage creating the relationship exists

'Molestation' means that a person, with the intent to arouse or gratify the sexual desire of any person:

- Touches the anus or any part of the genitals of a child
- Takes indecent liberties with a child
- Causes a child to take indecent liberties with the perpetrator or another

Emotional Abuse
Citation: Ann. Code § 78A-6-105

'Harm' means physical, emotional, or developmental injury or damage.

'Mental disorder' means a serious emotional and mental disturbance that severely limits a minor's development and welfare over a significant period of time.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Ann. Code § 78A-6-105

The term 'neglect' includes abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child.

Standards for Reporting
Citation: Ann. Code § 62A-4a-403

A report is required when a mandatory reporter has reason to believe that a child has been subjected to abuse or neglect or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Code § 62A-4a-402

'A person responsible for a child's care' means the child's parent, guardian, or other person responsible for the child's care, whether in the same home as the child; a relative's home; a group, family, or center daycare facility; a foster care home; or a residential institution.

Exceptions
Citation: Ann. Code § 78A-6-105

The term 'abuse' does not include:

- Reasonable discipline or management of a child, including withholding privileges
- The use of reasonable and necessary physical restraint or force on a child in self-defense, in defense of others, to protect the child, or to remove a weapon in the possession of a child in self-defense or defense of others

A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child is not guilty of neglect. A health-care decision made for a child by the child's parent or guardian does not constitute neglect unless the State or other party to the proceeding shows by clear and convincing evidence that the health-care decision is not reasonable and informed. Nothing in this subsection may prohibit a parent or guardian from exercising the right to obtain a second health-care opinion.

Vermont

Physical Abuse
Citation: Ann. Stat. Tit. 33, § 4912

'Abused or neglected child' means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare.

'Harm' can occur by physical injury.

'Physical injury' means death, permanent or temporary disfigurement, or impairment of any bodily organ or function by other than accidental means.

Neglect
Citation: Ann. Stat. Tit. 33, § 4912

'Harm' can occur by failure to supply the child with adequate food, clothing, shelter, or health care.

Sexual Abuse/Exploitation
Citation: Ann. Stat. Tit. 33, § 4912

The term 'abused or neglected child' includes a child who is sexually abused or at substantial risk of sexual abuse by any person.

'Sexual abuse' consists of an act or acts by any person that involves sexual molestation or exploitation of a child including, but not limited to, incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child.

The term 'sexual abuse' also includes aiding, abetting, counseling, hiring, or procuring a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Emotional Abuse
Citation: Ann. Stat. Tit. 33, § 4912

'Harm' can be caused by emotional maltreatment.

'Emotional maltreatment' means a pattern of malicious behavior that results in a child's impaired psychological growth and development.

Abandonment
Citation: Ann. Stat. Tit. 33, § 4912

'Harm' can be caused by the abandonment of the child.

Standards for Reporting
Citation: Ann. Stat. Tit. 33, § 4913

A report is required when a mandatory reporter has reasonable cause to believe that a child has been abused or neglected.

Persons Responsible for the Child
Citation: Ann. Stat. Tit. 33, § 4912

'A person responsible for a child's welfare' includes:

- The child's parent, guardian, or foster parent
- Any other adult residing in the home who serves in a parental role
- An employee of a public or private residential home, institution, or agency
- Any other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person

Exceptions
Citation: Ann. Stat. Tit. 33, § 4912

A parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

Virgin Islands

Physical Abuse
Citation: Ann. Code Tit. 5, § 2502

'Abuse' means any physical injury inflicted on a child, other than by accidental means, by those responsible for the care and maintenance of the child, which causes or creates substantial risk of death, serious or protracted disfigurement, protracted impairment of physical health, or loss or protracted impairment of the function of any bodily organ.

'Imminent danger to that child's life or health' means danger that involves:

- Substantial physical pain
- Serious bodily injury resulting in physical disfigurement
- Substantial impairment of the function of a bodily member or organ
- Injury that may result in death

Neglect
Citation: Ann. Code Tit. 5, § 2502

'Neglect' means the failure of those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education, and medical or mental health care, to the extent that the child's health or welfare is harmed or threatened thereby.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Code Tit. 5, § 2502

The term 'abuse' includes the sexual abuse of a child, as defined by law, or the sexual exploitation of a child, including the prostituting of a child, and the photographing or other depiction of a child for pornographic purposes, or a persistent course of sexual conduct that causes a child's health or welfare to be harmed or threatened.

'Imminent danger to that child's life or health' means danger that involves actual or attempted sexual abuse.

Emotional Abuse
Citation: Ann. Code Tit. 5, § 2502

The term 'abuse' includes any mental injury inflicted on a child that causes or creates substantial risk of impairment of emotional health.

'Imminent danger to that child's life or health' means danger that involves substantial impairment of the intellectual, psychological, or emotional capacity of a child caused by inhumane acts or conduct.

Abandonment
Citation: Ann. Code Tit. 5, § 2502

'Abandoned child' means a child whose parents, guardian, or custodian desert him or her for such a length of time and under such circumstances as to show an intent to evade the duty of rearing him or her or a reckless disregard for his or her needs.

- It shall be a rebuttable presumption that the parent intends to abandon the child who has been left without any provision for his or her support or without communication from such parent for a period of 6 months.
- If, in the opinion of the court, the evidence indicates that the parent has made only minimal efforts to support or communicate with the child, the court may declare the child to be abandoned.
- Abandonment is a form of neglect.

Standards for Reporting
Citation: Ann. Code Tit. 5, § 2533

A report is required when a mandatory reporter has reasonable cause to suspect that a child has been subjected to abuse, sexual abuse, or neglect, or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Code Tit. 5, § 2502

'Person responsible for a child's care' includes:

- The child's parent, guardian, or custodian
- A person or agency responsible for the child's welfare or care, whether the child is in his or her own home, shelter care, a detention home, a relative's home, a foster home, or a residential institution

Exceptions

No exceptions are specified in statute.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Virginia

Physical Abuse
Citation: Ann. Code § 63.2-100

'Abused or neglected child' means any child younger than age 18:

- Whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon the child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions
- Who is with the parent or other responsible person either (1) during the manufacture or attempted manufacture of a schedule I or II controlled substance, or (2) during the unlawful sale of such substance, where such manufacture, attempted manufacture, or unlawful sale would constitute a felony violation
- Whose parents or other responsible person creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment, with a person to whom the child is not related by blood or marriage and who the parent or other responsible person knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender

Neglect
Citation: Ann. Code § 63.2-100

'Abused or neglected child' means any child younger than age 18:

- Whose parents or other person responsible for his or her care neglects or refuses to provide care necessary for his or her health
- Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis

Sexual Abuse/Exploitation
Citation: Ann. Code § 63.2-100

The term 'abused or neglected child' includes any child younger than age 18 whose parents or other person responsible for his or her care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.

Emotional Abuse
Citation: Ann. Code § 63.2-100

The term 'abused or neglected child' includes any child younger than age 18 whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon the child a mental injury or creates a substantial risk of impairment of mental functions.

Abandonment
Citation: Ann. Code § 63.2-100

The term 'abused or neglected child' includes any child younger than age 18 whose parents or other person responsible for his or her care abandons the child.

Standards for Reporting
Citation: Ann. Code § 63.2-1509

A report is required when a mandatory reporter, in his or her professional or official capacity, has reason to suspect that a child is an abused or neglected child.

Persons Responsible for the Child
Citation: Ann. Code § 63.2-100

Responsible persons include the child's parents or another person responsible for the care of the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Exceptions
Citation: Ann. Code § 63.2-100

No child who in good faith is under treatment solely by spiritual means through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if:

- The decision is made jointly by the parents, or other person with legal authority, and the child.
- The child has reached age 14 and is sufficiently mature to have an informed opinion on the subject of his or her medical treatment.
- The parents, or other person with legal authority, and the child have considered alternative treatment options.
- The parents, or other person with legal authority, and the child believe in good faith that such decision is in the child's best interests.

Washington

Physical Abuse
Citation: Rev. Code §§ 26.44.020; 26.44.030; 9A.16.100

'Abuse or neglect' means the injury of a child by any person under circumstances that cause harm to the child's health, welfare, or safety, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect.

'Severe abuse' means any of the following:

- Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death
- Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling
- More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness

Any use of force on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child. The following actions are presumed unreasonable when used to correct or restrain a child:

- Throwing, kicking, burning, or cutting a child
- Striking a child with a closed fist
- Shaking a child younger than age 3
- Interfering with a child's breathing
- Threatening a child with a deadly weapon
- Doing any other act that is likely to cause and that does cause bodily harm greater than transient pain or minor temporary marks

The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

Neglect
Citation: Rev. Code §§ 26.44.020; 9A.42.100

'Negligent treatment or maltreatment' means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under § 9A.42.100 [endangerment with a controlled substance]. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight.

It is 'endangerment with a controlled substance' if the person knowingly or intentionally permits a dependent child to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including their salts, isomers, and salts of isomers, that are being used in the manufacture of methamphetamine, including its salts, isomers, and salts of isomers.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Rev. Code § 26.44.020

The term 'abuse or neglect' includes the sexual abuse or sexual exploitation of a child by any person under circumstances that indicate that the child's health, welfare, and safety are harmed.

'Sexual exploitation' includes:

- Allowing, permitting, or encouraging a child to engage in prostitution by any person
- Allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person

Emotional Abuse

This issue is not addressed in the statutes reviewed.

Abandonment

This issue is not addressed in the statutes reviewed.

Standards for Reporting
Citation: Rev. Code § 26.44.030

A report is required when a mandatory reporter has reasonable cause to believe that a child has suffered abuse or neglect.

Persons Responsible for the Child
Citation: Rev. Code § 26.44.020

Any person can be a responsible person.

Exceptions
Citation: Rev. Code §§ 26.44.015; 26.44.020; 9A.16.100

This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, that are not injurious to a child's health, welfare, and safety.

Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person.

The physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent, teacher, or guardian for purposes of restraining or correcting the child.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

West Virginia

Physical Abuse
Citation: Ann. Code § 49-1-3

'Abused child' means a child whose health or welfare is harmed or threatened by:

- A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict physical injury or mental or emotional injury upon the child or another child in the home
- Sexual abuse or sexual exploitation
- The sale or attempted sale of a child by a parent, guardian, or custodian in violation of § 48-4-16
- Domestic violence as defined in § 48-27-202

In addition to its broader meaning, physical injury may include an injury to the child as a result of excessive corporal punishment.

'Child abuse and neglect' or 'child abuse or neglect' means physical injury, mental or emotional injury, sexual abuse, sexual exploitation, sale or attempted sale, or negligent treatment or maltreatment of a child by a parent, guardian, or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

'Imminent danger to the physical well-being of the child' means an emergency situation in which the welfare or the life of the child is threatened. Such emergency situation exists when there is reasonable cause to believe that the following conditions threaten the health or life of any child in the home:

- Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling, or a babysitter or other caregiver
- A combination of physical and other signs indicating a pattern of abuse that may be medically diagnosed as battered child syndrome
- Sale or attempted sale of the child by the parent, guardian, or custodian

'Serious physical abuse' means bodily injury that creates a substantial risk of death or causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

Neglect
Citation: Ann. Code § 49-1-3

'Neglected child' means a child:

- Whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education
- Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian

'Imminent danger to the physical well-being of the child' means an emergency situation in which the welfare or the life of the child is threatened. Such emergency situation exists when there is reasonable cause to believe that the following conditions threaten the health or life of any child in the home:

- Nutritional deprivation
- Inadequate treatment of serious illness or disease
- The impairment of the parent's parenting skills due to abuse of alcohol, drugs, or other controlled substance, as defined § 60A-1-101, to such a degree as to pose an imminent risk to a child's health or safety

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Sexual Abuse/Exploitation
Citation: Ann. Code § 49-1-3

'Imminent danger to the physical well-being of the child' includes an emergency situation in which there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited.

'Sexual abuse' means:

- Engaging in, attempting to engage in, or knowingly procuring another person to engage in sexual intercourse, sexual intrusion, or sexual contact with a child younger than age 16, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical, mental, or emotional injury as a result of such conduct
- Engaging in, attempting to engage in, or knowingly procuring another person to engage in sexual intercourse, sexual intrusion, or sexual contact with a child age 16 or older, notwithstanding the fact that the child may have consented to such conduct or the fact that the child may have suffered no apparent physical, mental, or emotional injury as a result of such conduct
- Any conduct whereby a parent, guardian, or custodian displays his or her sex organs to a child or procures another person to display his or her sex organs to a child for the purpose of gratifying the sexual desire of the parent, guardian, or custodian, of the person making such display, or of the child, or for the purpose of affronting or alarming the child

'Sexual exploitation' means an act whereby a parent, guardian, or custodian:

- Whether for financial gain or not, persuades, induces, entices, or coerces a child to engage in sexually explicit conduct
- Persuades, induces, entices, or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows such display is likely to be observed by others who would be affronted or alarmed

Emotional Abuse
Citation: Ann. Code § 49-1-3

The terms 'child abuse and neglect' or 'child abuse or neglect' include mental or emotional injury of a child by a parent, guardian, or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

'Imminent danger to the physical well-being of the child' includes substantial emotional injury inflicted by a parent, guardian, or custodian.

Abandonment
Citation: Ann. Code § 49-1-3

'Imminent danger to the physical well-being of the child' includes abandonment by the parent, guardian, or custodian.

Standards for Reporting
Citation: Ann. Code § 49-6A-2

A report is required when a mandatory reporter has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Code § 49-1-3

Responsible persons include the child's parent, guardian, or custodian.

Exceptions
Citation: Ann. Code § 49-1-3

A child is not considered neglected when:

- The lack of necessary food, clothing, shelter, or medical care is due primarily to a lack of financial means on the part of the parent.
- The child's education is conducted within the provisions of § 18-8-1 [which provides exemption from the State compulsory education requirement for private school enrollment or homeschooling].

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Wisconsin

Physical Abuse
Citation: Ann. Stat. §§ 48.02; 48.981

'Abuse' means any of the following:

- Physical injury inflicted on a child by other than accidental means
- When used in referring to an unborn child, serious physical harm inflicted on the unborn child and the risk of serious physical harm to the child when born caused by a habitual lack of self-control of the expectant mother of the unborn child in the use of alcoholic beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree
- Manufacturing methamphetamine in violation of § 961.41(1)(e) under any of the following circumstances:
  - With a child physically present during the manufacture
  - In a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home
  - Under any circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child

'Physical injury' includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm.

'Incident of death or serious injury' means an incident in which a child has died or been placed in serious or critical condition, as determined by a physician, as a result of any suspected abuse or neglect that has been reported, or in which a child who has been placed outside the home by a court order is suspected to have committed suicide.

'Incident of egregious abuse or neglect' means an incident of suspected abuse or neglect that has been reported under this section, other than an incident of death or serious injury, involving significant violence, torture, multiple victims, the use of inappropriate or cruel restraints, exposure of a child to a dangerous situation, or other similar, aggravated circumstances.

Neglect
Citation: Ann. Stat. § 48.02

'Neglect' means failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 48.02

The term 'abuse' includes any of the following:

- Sexual intercourse or sexual contact
- Sexual exploitation of a child
- Permitting, allowing, or encouraging a child to engage in prostitution
- Causing a child to view or listen to sexual activity
- The exposure of one's genitals to a child

Emotional Abuse
Citation: Ann. Stat. § 48.02

The term 'abuse' includes emotional damage for which the child's parent, guardian, or legal custodian has neglected, refused, or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

'Emotional damage' means harm to a child's psychological or intellectual functioning. 'Emotional damage' shall be evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal, or outward aggressive behavior; a substantial and observable change in behavior or emotional response; or cognition that is not within the normal range for the child's age and stage of development.

Abandonment

This issue is not addressed in the statutes reviewed.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Standards for Reporting
Citation: Ann. Stat. § 48.981

A report is required when a mandatory reporter has reasonable cause to suspect that a child seen by the person in the course of his or her professional duties has been abused or neglected or has reason to believe that a child seen by the person in the course of his or her professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur.

Persons Responsible for the Child
Citation: Ann. Stat. § 48.981

'Caregiver' means, with respect to a child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect, any of the following persons:

- The child's parent, grandparent, great-grandparent, stepparent, brother, sister, stepbrother, stepsister, half-brother, or half-sister
- The child's guardian or legal custodian
- A person who resides or has resided regularly or intermittently in the same dwelling as the child
- An employee of a residential facility or residential care center for children and youth in which the child was or is placed
- A person who provides or has provided care for the child in or outside of the child's home
- Any other person who exercises or has exercised temporary or permanent control over the child or who temporarily or permanently supervises or has supervised the child
- Any relative of the child other than one listed above

Exceptions
Citation: Ann. Stat. § 48.02

It is not considered neglect when the failure to provide a child with necessary care, food, clothing, shelter, medical, or dental care is due to poverty.

Wyoming

Physical Abuse
Citation: Ann. Stat. § 14-3-202

'Abuse' means inflicting or causing physical injury, harm, or imminent danger to the physical health or welfare of a child other than by accidental means, including excessive or unreasonable corporal punishment.

'Physical injury' means any harm to a child, including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma, or substantial malnutrition.

Neglect
Citation: Ann. Stat. § 14-3-202

The term 'abuse' includes malnutrition or substantial risk of harm by reason of intentional or unintentional neglect.

'Neglect' means a failure or refusal by those responsible for the child's welfare to provide adequate care; maintenance; supervision; education; or medical, surgical, or any other care necessary for the child's well-being.

Sexual Abuse/Exploitation
Citation: Ann. Stat. § 14-3-202

The term 'abuse' includes the commission or allowing the commission of a sexual offense against a child, as defined by law.

Emotional Abuse
Citation: Ann. Stat. § 14-3-202

The term 'abuse' includes inflicting or causing mental injury or harm to the mental health or welfare of the child.

'Mental injury' means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his or her ability to function within a normal range of performance and behavior, with due regard to his or her culture.

This material may be freely reproduced and distributed. However, when doing so, please credit Child Welfare Information Gateway.
Available online at https://www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

Abandonment
Citation: Ann. Stat. § 14-3-202

The term 'abuse' includes abandonment, unless the abandonment is a relinquishment substantially in accordance with §§ 14-11-101 through 14-11-109.

Standards for Reporting
Citation: Ann. Stat. § 14-3-205

A report is required when any person knows or has reasonable cause to believe or suspect that a child has been abused or neglected or observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

Persons Responsible for the Child
Citation: Ann. Stat. § 14-3-202

'A person responsible for a child's welfare' includes:

- The child's parent, noncustodial parent, guardian, custodian, stepparent, or foster parent
- Any other person, institution, or agency having the physical custody or control of the child

Exceptions
Citation: Ann. Stat. § 14-3-202

Treatment given in good faith by spiritual means alone through prayer by a duly accredited practitioner, in accordance with the tenets and practices of a recognized church or religious denomination, is not child neglect for that reason alone.