



STATE STATUTES

CURRENT THROUGH MAY 2022

Definitions of Child Abuse and Neglect

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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) has defined child abuse and neglect as "any recent act or failure to act on the part of a parent or caregiver that results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act that presents an imminent risk of serious harm."²

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.

² CAPTA Reauthorization Act of 2010 (P.L. 111-320), 42 U.S.C. § 5101, Note (§ 3).

WHAT'S INSIDE

Defining child abuse or neglect in State law

Standards for reporting

Persons responsible for the child

Exceptions



CAPTA defines sexual abuse as follows:

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

In response to increased awareness of the sex trafficking of minors in the United States, the Justice for Victims of Trafficking Act of 2015 further defined child abuse through amending CAPTA with the following special rule:

A child shall be considered a victim of "child abuse and neglect" and of "sexual abuse" if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of sex trafficking (as defined in § 103(10) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) or a victim of severe forms of trafficking in persons described in § 103(9)(A).⁴

DEFINING CHILD ABUSE OR NEGLECT IN STATE LAW

State civil laws define the conduct, acts, and omissions that constitute child abuse or neglect that must be reported to child protective agencies. For this publication, statutes defining child abuse were collected from all 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. An analysis of the information collected indicates that all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands provide civil definitions of child abuse and neglect in statute. 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 use and/or for abandonment as child abuse or neglect.

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 44 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 18 States, the crime of

³ 42 U.S.C.A. § 5106g(a)(4) (202219)

⁴ 42 U.S.C. § 5106g(b) (2022)

⁵ The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through May 2022. The States that include "risk of harm" or "threatened harm" in their definitions of abuse or neglect include Alabama, Alaska, Arizona, Arkansas, California, Colorado,

human trafficking, including labor trafficking, involuntary servitude, or trafficking of minors, is included in the definition of child abuse.⁶ Nine States include female genital mutilation in the definitions of physical abuse.⁷

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.⁸ Approximately 27 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.⁹ Twelve States specifically define medical neglect as failing to provide any special medical treatment or mental health care needed by the child.¹⁰ In addition, eight States define medical neglect as the withholding of medical treatment or nutrition from disabled children with life-threatening conditions.¹¹

In 38 States, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, and Puerto Rico, a child can be

considered neglected when their parent or caregiver fails to provide adequate supervision that is appropriate for a child 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.¹² In four States, neglect does not include allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture.¹³ Those activities can include any of the following:

- Traveling to and from school, including walking, running, bicycling, or other similar mode of travel
- Traveling to and from nearby commercial or recreational facilities
- Engaging in outdoor play
- Remaining at home unattended for a reasonable amount of time
- Remaining in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold
- Engaging in a similar independent activity

Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, 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 Arkansas, Connecticut, Delaware, Georgia, Hawaii, Illinois, Indiana, Louisiana, Mississippi, Montana, New Hampshire, North Carolina, North Dakota, Pennsylvania, South Carolina, Texas, Utah, and West Virginia

⁷ Arkansas, Illinois, Indiana, Kentucky, Louisiana, Nevada, New Hampshire, South Carolina, and Wyoming

⁸ For a further discussion about what constitutes child neglect, see Child Welfare Information Gateway's [What Is Child Abuse and Neglect? Recognizing the Signs and Symptoms](#).

⁹ The States that define "failure to educate" as neglect include Alaska, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Indiana, Kentucky, Maine, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, West Virginia, and Wyoming.

¹⁰ Alaska, Arkansas, Connecticut, Florida, Indiana, Mississippi, North Dakota, Ohio, Oklahoma, Tennessee, Texas, and West Virginia

¹¹ Alabama, Arizona, Illinois, Indiana, Kansas, Minnesota, Montana, and Rhode Island

¹² Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, and Wyoming

¹³ Colorado, Oklahoma, Texas, and Utah

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 36 States, the definition of sexual abuse includes human trafficking, including sex trafficking or trafficking of children for sexual purposes.¹⁴

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 as part of their definitions of abuse or neglect.¹⁵ Approximately 33 States, the District of Columbia, Guam, the Northern Mariana Islands, and Puerto Rico provide specific definitions of emotional abuse or mental injury to a child.¹⁶ 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 USE

Parental substance use is an element of the definition of child abuse or neglect in some States.¹⁷ Circumstances that are considered abuse or neglect in some States include the following:

- Prenatal exposure of a child to harm due to the mother's use of an illegal drug or other substance (15 States and the District of Columbia)¹⁸
- Manufacture of a controlled substance in the presence of a child or on the premises occupied by a child (12 States)¹⁹
- Allowing a child to be present where the chemicals or equipment for the manufacture of controlled substances are used or stored (4 States)²⁰
- Selling, distributing, or giving drugs or alcohol to a child (9 States and Guam)²¹
- Use of a controlled substance by a caregiver that impairs the caregiver's ability to adequately care for the child (9 States)²²

¹⁴ Commercial sexual exploitation, including the production of child pornography, can be regarded as types of sex trafficking. The States that specifically include the term "sex trafficking" in their civil definitions of child abuse include Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin.

¹⁵ All States except Washington

¹⁶ Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Wisconsin, and Wyoming

¹⁷ For a more complete discussion of this issue, see Information Gateway's [Parental Substance Use as Child Abuse](#).

¹⁸ As of May 2022, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Minnesota, North Dakota, Oklahoma, Oregon, South Dakota, and Wisconsin include prenatal exposure to controlled substances in their definitions of child abuse or neglect. As of August 2019, Arizona, Arkansas, Georgia, Illinois, Indiana, Louisiana, North Dakota, Oklahoma, Oregon, and Wisconsin have provisions in law or policy requiring plans of safe care for infants suffering from the effects of prenatal substance exposure.

¹⁹ Colorado, Indiana, Iowa, Montana, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia, and Washington

²⁰ Arizona, Arkansas, Tennessee, and Washington

²¹ Arkansas, Florida, Hawaii, Illinois, Iowa, Minnesota, Ohio, Tennessee, and Texas

²² Alaska, California, Delaware, Kentucky, Minnesota, New York, Oklahoma, Rhode Island, and Texas

When a child protective services agency receives a notification regarding an infant who has been prenatally exposed to drugs, alcohol, or other controlled substances, the agency will determine whether the infant meets the State's definition of an abused or neglected child. If the evidence of maltreatment or risk of harm to the infant does not meet the State's definition, Federal legislation²³ requires States to have provisions for the development of a plan of safe care to address the health and substance use disorder treatment needs for the infant as well as the treatment needs of the affected parent or caregiver.²⁴

ABANDONMENT

Approximately 19 States and the District of Columbia include abandonment in their definitions of abuse or neglect, generally as a type of neglect.²⁵ Approximately 24 States, Guam, Puerto Rico, and the Virgin Islands provide definitions for abandonment that are separate from the definition of neglect.²⁶ 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 designated as a mandatory reporter, while working in their professional capacity, knows or has reasonable cause to believe or suspect that a child has been subjected to abuse or neglect. Individuals designated as mandatory reporters typically have frequent contact with children as part of their professional duties. The professionals most commonly mandated to report across the States include teachers, health-care workers, mental health professionals, and child care providers.²⁷ 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.²⁸ These standards guide mandatory reporters in deciding whether to make a report to child protective services.

²³ 42 U.S.C. 5106a(b)(2)(B)iii (2019)

²⁴ For more information on this topic, see Information Gateway's [Plans of Safe Care for Infants With Prenatal Substance Exposure and Their Families](#).

²⁵ California, Colorado, Connecticut, Illinois, Kentucky, Louisiana, Michigan, Minnesota, Nevada, New Jersey, North Carolina, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming

²⁶ Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Texas, Washington, and West Virginia

²⁷ Approximately 18 States and Puerto Rico designate all persons as mandatory reporters. In all States, any person is permitted to report. These voluntary reporters of maltreatment are often referred to as "permissive reporters." For more information on professionals' responsibility to report suspected child abuse and neglect, see Information Gateway's [Mandatory Reporting of Child Abuse and Neglect](#).

²⁸ Arkansas, Hawaii, Idaho, Missouri, Nebraska, Utah, and Wyoming

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. In 19 States, child protection agencies will accept reports concerning any person, regardless of that person's relationship to the child, when the report alleges that the child is the victim of human or sex trafficking.²⁹

EXCEPTIONS

Several 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 27 States, the District of Columbia, Guam, and Puerto Rico, financial inability to provide for a child is exempted from the definition of neglect.³⁰ 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.³¹

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, American Samoa, and Guam 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.³² However, 16 of the 31 States and American Samoa authorize the court to order medical treatment for the child when the child's condition warrants intervention.³³ Three States specifically provide an exception for Christian Science treatment.³⁴ Seven States require mandated reporters to report instances when a child is not receiving medical care so that an investigation can be made.³⁵

²⁹ Alaska, Arkansas, Connecticut, Georgia, Illinois, Kentucky, Maine, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, and Washington

³⁰ Alaska, Arkansas, Connecticut, Delaware, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, Rhode Island, South Carolina, Texas, Washington, West Virginia, and Wisconsin

³¹ Arkansas, California, Colorado, Florida, Georgia, Indiana, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, and Washington

³² 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

³³ Alabama, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nevada, Ohio, Oklahoma, and Pennsylvania

³⁴ Arizona, Connecticut, and Washington

³⁵ Florida, Michigan, Minnesota, Missouri, Ohio, Oklahoma, and Pennsylvania

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

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