

# EMOTIONAL MALTREATMENT STATUTE SUMMARY

Pertinent substantive excerpts are included in this statute summary. Please refer to each statute in its entirety for complete information, including procedural elements.

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**ALABAMA, SEE §§ 26-16-2, 26-14-1**

**Ala. Code § 26-16-2 (2007)**

**§ 26-16-2. Definitions**

(a)(2) Child abuse. Harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury sexual abuse, which includes a violation of any provision of Article 4, Chapter 6, Title 13A.

Defines child abuse to include mental injury but does not define mental injury. This definition applies to the Child Abuse and Neglect Prevention article.

**Ala. Code § 26-14-1 (2007)**

**§ 26-14-1. Definitions**

(1) Abuse is harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. "Sexual abuse" includes 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 the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

Defines child abuse to include mental injury but does not define mental injury. This definition is under the Child Abuse Reporting chapter.

**ALASKA, SEE §§ 47.17.290, 47.10.011**

**Alaska Stat. § 47.17.290 (2006)**

**Alaska Stat. § 47.17.290. Definitions**

(2) "child abuse or neglect" means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 . by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph, "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function;

(9) "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;

Defines child abuse to include mental injury and also defines mental injury. These definitions apply to the Child Protection chapter.

**Alaska Stat. § 47.10.011 (2006)**

**§ 47.10.011. Children in need of aid.**

Subject to [AS 47.10.019](#), the court may find a child to be a child in need of aid if it finds by a preponderance of the evidence that the child has been subjected to any of the following:

(8) conduct by or conditions created by the parent, guardian, or custodian have

(A) resulted in mental injury to the child; or

(B) placed the child at substantial risk of mental injury as a result of

(i) a pattern of rejecting, terrorizing, ignoring, isolating, or corrupting behavior that would, if continued, result in mental injury; or

Statute defining children in need of aid incorporates mental injury into the definition and states what behavior may cause mental injury but does not state how to directly observe mental injury in a child.

**ARIZONA, SEE ARIZ. REV. STAT. §8-201**

**Ariz. Rev. Stat. § 8-201 (2007).**

## **§8-201. Definitions**

(2) "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to § 8-821 and is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse includes:

(a) Inflicting or allowing sexual abuse pursuant to [section 13-1404](#), sexual conduct with a minor pursuant to [section 13-1405](#), sexual assault pursuant to [section 13-1406](#), molestation of a child pursuant to [section 13-1410](#), commercial sexual exploitation of a minor pursuant to [section 13-3552](#), sexual exploitation of a minor pursuant to [section 13-3553](#), incest pursuant to [section 13-3608](#) or child prostitution pursuant to [section 13-3212](#).

(b) Physical injury to a child that results from abuse as described in [section 13-3623](#), subsection C.

(27) "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:

(a) Seriously impairs mental faculties.

(b) Causes serious anxiety, depression, withdrawal or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment.

(c) Is the result of sexual abuse pursuant to § 13-1404, sexual conduct with a minor pursuant to § 13-1405, sexual assault pursuant to § 13-1406, molestation of a child pursuant to § 13-1410, child prostitution pursuant to § 13-3212, commercial sexual exploitation of a minor pursuant to § 13-3552, sexual exploitation of a minor pursuant to § 13-3553 or incest pursuant to § 13-3608.

Defines child abuse to include emotional damage and defines serious emotional injury. These definitions apply to the Children's Title.

## **ARKANSAS, SEE § 12-12-503**

**Ark. Code Ann. § 12-12-503 (2007).**

## **§ 12-12-503. Definitions**

(2)(A) "Abuse" means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile'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, public or private school, or any person legally responsible for the juvenile's welfare, but excluding the spouse of a minor:

- (i) extreme or repeated cruelty to a juvenile;
- (ii) injury to a juvenile's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior;

Defines abuse to include injury to a child's intellectual, emotional, or psychological development and states how to observe these injuries. This definition applies to the Child Abuse Reporting subsection.

**Ark Code Ann. § 9-30-103 (2007)**

**§ 9-30-103. Definitions**

(3) "Child abuse" means any nonaccidental physical injury, mental injury, sexual abuse, or sexual exploitation inflicted by those legally responsible for the care and maintenance of the child, or an injury which is at variance with the history given. The term encompasses both acts and omissions;

Defines child abuse to include mental injury but does not define mental injury. This definition applies to the Child Abuse and Neglect Prevention chapter in the Family Law title.

**CALIFORNIA, SEE WELF. & INST. CODE §§ 18951, 300**

**Cal. Welf. & Inst. Code § 18951(West 2007).**

**§ 18951. Terms used in chapter**

(e) Child abuse as used in this chapter means a situation in which a child suffers from one or more of the following:

(4) willful mental injury negligent treatment, or maltreatment of a child under the age of 18 years by a person who is responsible for the child's welfare under circumstances that indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.

(5) Any condition that results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development or capacity for independence.

Defines child abuse to include mental injury but does not define mental injury. This definition applies to the Office of Child Abuse Prevention chapter.

**Cal. Welf. & Inst. Code § 300 (West 2007).**

**§ 300. Persons subject to jurisdiction of the juvenile court**

Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

(c) is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, 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 person described by this subdivision 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.

States that a child may become a dependent of the court if they have suffered emotional damage and defines how to find emotional damage.

**COLORADO, SEE COLO. REV. STAT. § 19-1-103**

**Colo. Rev. Stat. § 19-1-103 (2006)**

**§ 19-1-103. Definitions.**

(1)(a) Abuse or child abuse or neglect as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(IV) Any case in which a child is subjected to emotional abuse. As used in this subparagraph (IV), "emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

Defines child abuse to include emotional abuse and then defines emotional abuse. These definitions apply to the entire Children's Code Title.

**CONNECTICUT, SEE CONN. GEN. STAT. § 46b-120(4)(C).**

**Conn. Gen. Stat. § 46b-120(4)(C) (2007).**

**§ 46b-120(4)(C). Definitions**

(4) "abused" means that a child or youth (A) has been inflicted with physical injury or injuries other than by accidental means, or (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

Defines child abuse to include emotional maltreatment but does not define emotional maltreatment. This definition applies to the Juvenile Matters chapter.

**DELAWARE, SEE DEL. CODE ANN. TIT. 16, § 902, TIT. 13, §2302**

**Del. Code Ann. tit. 16, § 902 (2007)**

**§ 902. Definitions**

(1) Abuse shall mean any physical injury to a child by those responsible for the care, custody and control of the child, through unjustified force as defined in § 468 of Title 11, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment.

Defines abuse to include emotional abuse but does not define emotional abuse. This definition applies to the Abuse of Children chapter.

**Del. Code Ann. tit. 13, § 2302 (2007)**

**§ 2302. Definitions**

(1) "Abused child" means a child who has suffered any physical injury inflicted by a person responsible for the care, custody and control of the child through unjustified force pursuant to § 468(1) of Title 11, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment or mistreatment;

Defines child abuse to include emotional abuse but does not define emotional abuse. This definition applies to the Guardianship of a Child chapter in the Domestic Relations title.

**WASHINGTON D.C., SEE D.C. CODE. ANN. §§ 16-2301, 4-1341.01**

**D.C. Code Ann. § 16-2301 (LexisNexis 2007)**

**§16-2301. Definitions**

(9) The term "neglected child" means a child:

- (ii) 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, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian;

(23)(A) The term "abused", when used with reference to a child, means:

- (i) infliction of physical or mental injury upon a child;
- (ii) sexual abuse or exploitation of a child; or
- (iii) negligent treatment or maltreatment of a child.

(31) The term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal, or outwardly aggressive behavior, or a combination of those behaviors, and which may be demonstrated by a change in behavior, emotional response, or cognition.

Defines child abuse to include mental injury and then defines mental injury and how to observe it. These definitions apply to the Proceedings Regarding Delinquency, Neglect, or Need of Supervision subchapter.

**D.C. Code Ann. § 4-1341.01 (LexisNexis 2007)**

**§ 4-1341.01. Definitions**

(2) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which occurs through the intentional infliction of physical or emotional injury or an act of sexual abuse, which includes a violation of any provision of subchapter I of this chapter.

Defines abuse to include the intentional infliction of emotional harm but does not define emotional harm. This definition applies to the Child Abuse and Neglect Prevention Children's Trust Fund subchapter.

**FLORIDA, SEE FLA. STAT. §§ 827.03, 39.01**

**Fla. Stat. § 827.03 (2007).**

**§ 827.03 Abuse, aggravated abuse, and neglect of a child; penalties**

(1) "Child abuse" means:

(a) Intentional infliction of physical or mental injury upon a child;

(b) An intentional act that could reasonably be expected to result in physical or mental injury to a child; or

(c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in [s. 775.082](#), [s. 775.083](#), or [s. 775.084](#).

(3)(a)"Neglect of a child" means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or

2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

Defines child abuse and neglect to include mental injury but does not define mental injury. This is the criminal child abuse statute.

#### **Fla. Stat. § 39.01 (2007)**

##### **§ 39.01. Definitions**

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

(31) "Harm" to a child's health or welfare can occur when any person:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Such injury includes, but is not limited to:

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

- a. Sprains, dislocations, or cartilage damage.
- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.
- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a body part or function.
- k. Significant bruises or welts.

(41) "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.

Defines abuse to include mental injury and then defines mental injury and how to observe it in a child. Statute includes emotional injury, but does not define. These definitions pertain to all the Proceedings Relating to Children chapter.

**GEORGIA, SEE GA. CODE ANN. §§19-14-2, 16-5-70**

**Ga. Code Ann. § 19-14-2 (2007)**

**§ 19-14-2. Definitions**

(2) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury or the commission of a crime involving physical or sexual abuse of a child.

Defines neglect and child abuse to include mental injury but does not define mental injury. This definition applies to Article I Children's Trust Fund Commission of the Child Abuse and Neglect Prevention Chapter.

**Ga. Code Ann. § 16-5-70 (2007)**

## **§ 16-5-70. Cruelty to children**

(a) A parent, guardian, or other person supervising the welfare of or having immediate charge or custody of a child under the age of 18 commits the offense of cruelty to children in the first degree when such person willfully deprives the child of necessary sustenance to the extent that the child's health or well-being is jeopardized.

(b) Any person commits the offense of cruelty to children in the first degree when such person maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.

(c) Any person commits the offense of cruelty to children in the second degree when such person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain.

(d) Any person commits the offense of cruelty to children in the third degree when:

(1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or

(2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family violence battery.

(e)(1) A person convicted of the offense of cruelty to children in the first degree as provided in this Code section shall be punished by imprisonment for not less than five nor more than 20 years.

(2) A person convicted of the offense of cruelty to children in the second degree shall be punished by imprisonment for not less than one nor more than ten years.

(3) A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be sentenced to both fine and imprisonment.

Defines cruelty to children to include actions that cause mental pain but does not define mental pain. This is the criminal statute for child abuse.

### **HAWAII, SEE HAW. REV. STAT. § 350-1**

**Haw. Rev. Stat. § 350-1 (2007)**

#### **§ 350-1. Definitions**

"Child abuse or neglect" means the acts or omissions of any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child's care, that have resulted in the physical or psychological health or welfare of the child, who is under the age of eighteen, to be harmed, or to be subject to any 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:

(1) When the child exhibits evidence of:

(K) Extreme mental distress;

(L) Gross degradation;

(3) When there exists injury to the psychological capacity of a child as is evidenced by an observable and substantial impairment in the child's ability to function;

Defines child abuse and neglect to include an injury to a child's psychological capacity and states how to observe this injury in a child. This definition applies to the Child Abuse chapter.

**IOWA, SEE IOWA CODE § 726.6, 232.68, 232.2**

**Iowa Code § 726.6 (2006).**

**§ 726.6: Child endangerment**

1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following:

a. Knowingly acts in a manner that creates a substantial risk to a child or minor's physical, mental or emotional health or safety.

b. By an intentional act or series of intentional acts, uses unreasonable force, torture or cruelty that results in bodily injury, or that is intended to cause serious injury.

c. By an intentional act evidences unreasonable force, torture or cruelty which causes substantial mental or emotional harm to a child or minor.

Defines child endangerment to include actions that cause mental or emotional harm but does not state how to observe the harm. This is the criminal statute for child abuse.

**Iowa Code § 232.68 (2006).**

## **§ 232.68. Definitions**

2. "Child abuse" or "abuse" means:

(b) 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 as defined in section 622.10.

Defines child abuse to include mental injury and then states how to observe a mental injury. This definition applies to the Child Abuse Reporting, Assessment, and Rehabilitation section.

## **Iowa Code § 232.2 (2006).**

### **§ 232.2. Definitions.**

6. "Child in need of assistance" means an unmarried child:

(c) Who has suffered or is imminently likely to suffer harmful effects as a result of either of the following:

(1) Mental injury caused by the acts of the child's parent, guardian, or custodian.

(2) The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.

35. "Mental injury" means a nonorganic 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, considering the child's cultural origin.

Defines a "child in need of assistance" to include a child who has suffered mental injury and then defines mental injury. This definition applies to the Juvenile Justice chapter.

## **IDAHO, SEE IDAHO CODE §§16-1602, 18-1501**

## **Idaho Code § 16-1602 (2007).**

### **§16-1602. Definitions**

(1) "Abused" means any case in which a child has been the victim of:

(a) 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, or where 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; or

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(24) "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.

Statute includes mental injury, but only that resulting from sexual exploitation. Mental injury is defined. This definition applies to the Child Protective Act chapter.

#### **Idaho Code Ann. §18-1501 (2007)**

##### **§18-1501. Injury to children**

(1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one (1) year, or in the state prison for not less than one (1) year nor more than ten (10) years.

(2) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor

(5) As used in this section, "willfully" means acting or failing to act where a reasonable person would know the act or failure to act is likely to result in injury or harm or is likely to endanger the person, health, safety or well-being of the child.

States that it is unlawful for a person to cause a child mental suffering but does not define mental suffering. This is the criminal statute for child abuse.

**ILLINOIS, SEE 705 ILL. COMP. STAT. 405/2-3**

**705 Ill. Comp. Stat. 405/2-3 (2007).**

**§2-3 Neglected or abused minor**

(2) Those who are abused include any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

(i) inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

(ii) creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;

Statute includes “impairment of” “emotional health;” however, note that impairment must be caused by physical injury. This statute pertains to juvenile courts.

**INDIANA, SEE IND. CODE § 31-34-1-1 (SEE ALSO §31-34-1-2)**

**Ind. Code § 31-34-1-1 (2007). (See also §31-34-1-2).**

**§ 31-34-1-1 Inability, refusal, or neglect of parent, guardian or custodian to supply child with necessary food, clothing, shelter, medical care, education, or supervision**

Sec. 1. A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) 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; and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

**KANSAS, SEE KAN. STAT. ANN. §38-2202.**

**Kan. Stat. Ann. § 38-2202 (2006).**

**§ 38-2202. Definitions**

- (d) 'Child in need of care' means a person less than 18 years of age who:
- (2) is without the care or control necessary for the child's physical, mental or emotional health;
  - (3) has been physically, mentally or emotionally abused or neglected or sexually abused;
- (x) 'Physical, mental or emotional abuse' means the infliction of physical, mental or emotional injury 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.

States that a child is in need of care if they have been mentally or emotional abused and loosely defines those types of abuse. These definitions apply to the Revised Kansas Code for Care of Children article.

**KENTUCKY, SEE KY. REV. STAT. ANN. §600.020.**

**Ky. Rev. Stat. Ann. § 600.020 (LexisNexis 2006)**

**§600.020 Definitions for KRS Chapters 600 to 645**

- (1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:
- (a) Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
  - (b) Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
- (24) "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 age, development, culture, and environment as testified to by a qualified mental health professional;

Defines abuse to include emotional injury and defines emotional injury. These definitions apply to the Unified Juvenile Code.

**Ky. Rev. Stat. Ann § 508.090 (LexisNexis 2006).**

## **§ 508.090 Definitions for KRS 508.100 to 508.120**

The following definitions apply in [KRS 508.100](#) (Criminal abuse in the 1<sup>st</sup> degree) to [508.120](#) (criminal abuse in the third degree) unless the context otherwise requires:

(1) "Abuse" means the infliction of physical pain, injury, or mental injury, or the deprivation of services by a person which are necessary to maintain the health and welfare of a person, or a situation in which an adult, living alone, is unable to provide or obtain for himself the services which are necessary to maintain his health or welfare.

Defines abuse to include mental injury but does not define mental injury. This definition applies the Kentucky Penal Code chapter on Assault and Related Offenses.

## **LOUISIANA, SEE LA. CHILD. CODE ANN. ART. 502, 603**

### **La. Child. Code Ann. art. 502 (2007)**

#### **Art. 502. Definitions.**

(1) "Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

(a) 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.

Defines child abuse to include mental injury but does not define mental injury. This definition applies to the entire Services to Family title.

### **La. Child. Code Ann. art. 603 (2007)**

#### **Art. 603. Definitions.**

(1) "Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

(a) 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.

Defines child abuse to include mental injury but does not define mental injury. This definition applies to the Child In Need of Care title.

## **MAINE, SEE ME. REV. STAT. ANN. TIT. 22 §4002**

### **Me. Rev. Stat. Ann. tit. 22, § 4002 (2006)**

## **§4002 Definitions**

1. 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, by a person responsible for the child.

10. Serious harm means:

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

Defines abuse and neglect to include mental or emotional injury and then defines mental and emotional injury and how to observe it. These definitions apply to the Child and Family Services and Child Protection Act chapter.

## **MARYLAND, SEE MD. CODE ANN., CTS. AND JUD. PROC. §3-801, FAM. LAW §3-801**

**Md. Code Ann., Cts. & Jud. Proc, § 3-801 (West 2007)**

### **§ 3-801. Definitions**

(b) Abuse.—“Abuse” means:

(2) Physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or is at substantial risk of being harmed by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member.

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

Defines abuse to include mental injury and then defines mental injury. These definitions apply to the Juvenile Cases-Children in Need of Assistance subtitle.

**Md. Code Ann., Fam. Law § 5-701 (West 2007)**

### **§ 5-701. Definitions.**

(b) Abuse. -- "Abuse" means:

(1) the physical or mental injury of a child by any 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, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or

(2) sexual abuse of a child, whether physical injuries are sustained or not.

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

Defines abuse to include mental injury and then defines mental injury. These definitions apply to the Child Abuse and Neglect subtitle.

**MICHIGAN, SEE MICH. COMP. LAWS §§ 400.1501, 722.602, -.622, 750.136b**

**Mich. Comp. Laws § 400.1501 (2007)**

**§ 400.1501. Definitions**

(d) "Domestic violence" means the occurrence of any of the following acts by a person that is not an act of self-defense:

- (i) Causing or attempting to cause physical or mental harm to a family or household member.
- (ii) Placing a family or household member in fear of physical or mental harm.
- (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.
- (iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Defines domestic abuse to include mental harm to any family member but does not define mental harm. This definition applies to the Prevention and Treatment of Domestic Violence act.

**Mich. Comp. Laws § 722.602 (2007)**

**§ 722.602. Definitions**

Sec. 2. (1) As used in this act:

(b) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is

threatened through nonaccidental physical or mental injury sexual abuse, which includes a violation of section 145c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being [section 750.145c of the Michigan Compiled Laws](#).

Defines child abuse to include mental injury but does not define mental injury. Definition applies to the Child Abuse and Neglect Prevention act.

**Mich. Comp. Laws § 722.622 (2007)**

**§ 722.622. Definitions.**

Sec. 2. As used in this act:

(b) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury; sexual abuse, which includes a violation of section 145c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being [section 750.145c of the Michigan Compiled Laws](#).

Defines child abuse to include mental injury but does not define mental injury. Definition applies to the Child Protection Law.

**Mich. Comp. Laws §750.136b (2007)**

**§750.136b. Definitions; child abuse**

(1) As used in this section:

(g) "Serious mental harm" means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

(2) A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child . Child abuse in the first degree is a felony punishable by imprisonment for not more than 15 years.

(3) A person is guilty of child abuse in the second degree if any of the following apply:

(a) The person's omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm to a child,

(b) The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results,

- (c) The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.

Defines serious mental harm and how to observe this injury in a child. These definitions apply to the criminal statute of child abuse.

**MINNESOTA. SEE MINN. STAT. §§ 626.556, 260C.007, 609.378**

**Minn. Stat. § 626.556 (2006)**

**§ 626.556. Reporting of Maltreatment of Minors**

Subdivision 2. Definitions.

- (c) "Substantial child endangerment" means a person responsible for a child's care, a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:

- (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

- (f) "Neglect" means:

- (2) 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, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

- (9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which 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.

- (g) "Physical abuse" means any physical injury, mental injury, or threatened injury inflicted by a person responsible for the child's care on a child other than by accidental means or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which 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 section 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

- (1) throwing, kicking, burning, biting, or cutting a child;
- (2) striking a child with a closed fist;
- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;
- (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
- (9) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or
- (10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(m) "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.

Defines neglect to include emotional harm and states how emotional harm can be observed in a child. Defines physical abuse to include a mental injury and then defines mental injury and how it can be observed in a child. These definitions pertain to the Reporting of Maltreatment to Minors section.

#### **Minn. Stat. § 260C.007 (2006)**

#### **§ 260C.007. Definitions**

Subd. 5. Child abuse.

"Child abuse" means an act that involves a minor victim and that constitutes a violation of section 609.221 (Assault in the First Degree), 609.222 (Assault in the Second Degree), 609.223 (Assault in the Third Degree), 609.224 (Assault in the Fifth Degree), 609.2242 (Domestic Assault), 609.322 (Solicitation, Inducement, & Promotion of Prostitution), 609.324 (Other Prostitution Crimes), 609.342 (Criminal Sexual Conduct), 609.343 (Criminal Sexual Assault in the Second Degree), 609.344 (Criminal Sexual Assault in the Third Degree), 609.345 (Criminal Sexual Assault in the Fourth Degree), 609.377 (Malicious Punishment of a Child), 609.378 (Neglect or Endangerment),

617.246 (Use of Minors in Sexual Performance) or an act committed in another state that involves a minor victim and would constitute a violation of one of these sections if committed in this state.

Subd. 6: Child in need of protective services.

“Child in need of protective services” means a child who is in need of protection or services because the child:

- (2) (i) has been a victim of physical or sexual abuse,
- (ii) resides with or has resided with a victim of domestic child abuse as defined in subdivision 5,
- (iii) resides with or would reside with a perpetrator of domestic child abuse or child abuse as defined in subdivision 5, or
- (iv) is a victim of emotional maltreatment as defined in subdivision 8;

Subd. 15. "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. "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.

Defines emotional maltreatment, as well as indicates how emotion maltreatment is observed. This definition applies to the Child Protection chapter.

**Minn. Stat. § 609.378 (2006)**

**§609.378 Neglect or endangerment of a child**

Subd. 1. Persons guilty of neglect or endangerment.

(a) Neglect.

- (iii) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is likely to substantially harm the child's physical, mental, or emotional health is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the deprivation results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If a parent, guardian, or caretaker 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, this treatment or care is "health care," for purposes of this clause.

**MISSISSIPPI, SEE MISS. CODE ANN. §43-21-105**

**Miss. Code Ann. §43-21-105 (2007)**

**§43-21-105. Definitions**

(m) "Abused child" means a child whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon said child sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury or other maltreatment. Provided, however, that 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.

Statute includes emotional abuse, but does not define the term.

**MISSOURI, SEE MO. REV. STAT. §§ 210.110, 455.501**

**Mo. Rev. Stat. § 210.110 (2007)**

**§ 210.110 Definitions**

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;

Defines abuse to include any emotional abuse but does not define emotional abuse. This definition applies to the Child Abuse chapter.

**Mo. Rev. Stat. § 455.501 (2007)**

**§ 455.501. Definitions.**

(1) "Abuse," any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse;

Defines abuse to include emotional abuse but does not define emotional abuse. This definition applies to the Child Protection Orders Act.

**MONTANA, SEE MONT. CODE ANN. § 41-3-102**

**Mont. Code Ann. § 41-3-102 (2007)**

**§ 41-3-102 Definitions**

- (7) (a) "Child abuse or neglect" means:
- (i) actual physical or psychological harm to a child;
  - (ii) substantial risk of physical or psychological harm to a child; or
  - (iii) abandonment
- (b) (i) The term includes:
- (A) 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;
- (d) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child.
- (21) (a) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare:
- (i) inflicts or allows to be inflicted upon the child...psychological abuse or neglect;
  - (ii) commits or allows sexual abuse or exploitation of the child;
  - (iii) induces or attempts to induce a 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;
  - (iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;
  - (v) exposes 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; or
  - (vi) abandons the child.

Defines child abuse and neglect to include psychological harm and then defines psychological harm. These definitions apply to the Child Abuse and Neglect chapter.

**NEBRASKA, SEE NEB. REV. STAT. §28-707, § 28-710**

**Neb. Rev. Stat. § 28-707 (2007)**

**§28-707. Child abuse; privileges not available; penalties**

(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

- (a) Placed in a situation that endangers his or her life or physical or mental health;
- (3) Child abuse is a Class I misdemeanor if the offense is committed negligently.
- (4) Child abuse is a Class IIIA felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section 28-109.
- (5) Child abuse is a Class III felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section.
- (6) Child abuse is a Class IB felony if the offense is committed knowingly and intentionally and results in the death of such child.

States that a person is guilty of child abuse if they have harmed a child's mental health. This is the criminal statute for child abuse. No definition for endangerment to mental health is included. Penalties for violating the statute are included.

**Neb. Rev. Stat. § 28-710 (2007)**

**§ 28-710 Act, how cited; terms, defined**

- (2) For purposes of the Child Protection Act:
  - (a) Abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:
    - (i) Placed in a situation that endangers his or her life or physical or mental health;

Defines abuse and neglect to include the harming of a child's mental health. This definition applies to Nebraska Revised Statutes sections 28-710 to 28-727 which includes statutes pertaining to child abuse.

**NEVADA, SEE NEV. REV. STAT. §§ 128.0137, 432B.070, 200.508**

**Nev. Rev. Stat. §§ 128.0137, 432B.070 (2007)**

**§§ 128.0137, 432B.070. "Mental injury" defined.**

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

Defines mental injury. This definition applies to the Termination of Parental Rights chapter; also found in Protection of Children from Abuse and Neglect chapter.

**Nev. Rev. Stat. § 200.508 (2007)**

**§200.508 Abuse, neglect or endangerment of child: Penalties; definitions.**

1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning

when a minimum of 10 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#),

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and [NRS 432B.070](#); , 432B.100; , 432B.110; , 432B.140; and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(e) "Substantial mental harm" 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 the ability of the child to function within his normal range of performance or behavior.

Defines child abuse and neglect to include mental injury and defines mental harm and how to observe it in a child. This is the criminal statute for child abuse.

**NEW HAMPSHIRE, SEE N.H. REV. STAT. ANN. §169-C:3**

**N.H. Rev. Stat. Ann. § 169-C:3 (2007)**

**§ 169-C:3. Definitions.**

II. "Abused child" means any child who has been:

(c) Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect;

XIX. "Neglected child" means a child:

- (b) Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, when it is established that his 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;

Defines an abused child to include children that have been psychologically injured. Also defines a neglected child to include children that have not received the proper care necessary for their mental or emotional health. Definition applies to the Child Protection Act.

**NEW JERSEY, SEE N.J. STAT. ANN. §§ 9:6-1, 9:6-8.9, 9:6-8.21**

**N.J. Stat. Ann. § 9:6-1 (West 2007)**

**§ 9:6-1 Abuse, abandonment, cruelty and neglect of child; what constitutes**

Cruelty to a child shall consist in any of the following acts: (a) inflicting unnecessarily severe corporal punishment upon a child; (b) inflicting upon a child unnecessary suffering or pain, either mental or physical; (c) habitually tormenting, vexing or afflicting a child; (d) any willful act of omission or commission whereby unnecessary pain and suffering, whether mental or physical, is caused or permitted to be inflicted on a child; (e) or exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

Defines abuse to include mental suffering or pain but does not define what constitutes suffering or pain. Definition is in the Abuse, Abandonment, Cruelty and Neglect statute.

**N.J. Stat. Ann. § 9:6-8.9 (West 2007)**

**§ 9:6-8.9 "Abused child" defined**

For purposes of this act:

"Abused child" means a child under the age of 18 years whose parent, guardian, or other person having his custody and control:

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

- d. Or a child 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 or

guardian, or such other person having his custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or by any other act of a similarly serious nature requiring the aid of the court;

Defines "abused child" to include a child whose mental or emotional condition has been impaired. Definition applies to the Abused Child Reports and Protective Custody section.

**N.J. Stat. Ann. § 9:6-8.21 (West 2007)**

**§ 9:6-8.21. Definitions.**

c. Abused or neglected child means a child less than 18 years of age whose parent or guardian, as herein defined,

(1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

(4) or a child 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 or guardian, as herein defined (subsection a), to exercise a minimum degree of care

(a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or

(b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing 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;

(5) or a child who has been willfully abandoned by his parent or guardian, as herein defined;

(6) or a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others or property;

(7) or a child who is in an institution and

(a) 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 or

(b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

Defines "abused or neglected" child to include a child whose mental or emotional condition has been impaired or is in imminent danger of becoming impaired. Definition applies to the Adjudication of Alleged Child Abuse or Neglect Act.

**NEW MEXICO, SEE N.M. STAT. ANN. §32A-4-2**

**N.M. Stat. Ann. § 32A-4-2 (LexisNexis 2007)**

**32A-4-2. Definitions.**

B. "Abused child" means a child:

- (2) who has suffered physical abuse, emotional abuse or psychological abuse inflicted by the child's parent, guardian, or custodian;

Defines an abused child to include a child who has suffered emotional or psychological abuse but does not define either type of abuse. Definition applies to the Abuse and Neglect Act.

**NEW YORK, SEE N.Y. SOC. SERV. LAW § 371, FAM. CT. ACT § 1012**

**N.Y. Soc. Serv. Law § 371 (McKinney 2007)**

**§ 371 Definitions.**

- 4-a. "Neglected child" means a child less than eighteen years of age
- (i) 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 parent or other person legally responsible for his care to exercise a minimum degree of care (A) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or (B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that

the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his 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 as set forth in paragraph (i) of this subdivision; or (ii) who has been abandoned by his parents or other person legally responsible for his care.

Defines a neglected child to include one who has suffered a mental or emotional impairment but does not state how to find those impairments. This refers to the Care and Protection of Children title.

- 4-b. "Abused child" means a child less than eighteen years of age whose parent or other person legally responsible for his care
- (i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
  - (ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

Physical abuse statutory provision includes actual infliction of or substantial risk of protracted impairment of emotional health. This refers to the Care and Protection of Children title. Identical statutory definitions for abuse and neglect appear in Article X. Child Protective Proceedings (see below).

#### **N.Y. Fam. Ct. Act § 1012 (McKinney 2007)**

##### **§ 1012 Definitions.**

(h) "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, or 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.

Defines "impairment of emotional health" and/or "impairment of mental or emotional condition.." This definition pertains to Article X. Child Protective Proceedings.

**NORTH CAROLINA, SEE N.C. GEN. STAT. § 7B-101**

**N.C. Gen Stat. § 7B-101 (2007)**

**§ 7B-101. Definitions**

(1) Abused juveniles.--Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

(e) Creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others

Defines an abused juvenile to include one who has suffered emotional damage and then states how to find emotional damage. This definition applies to the Abuse, Neglect, and Dependency subchapter of the Juvenile Code.

**NORTH DAKOTA, SEE N.D. CENT. CODE §§50-25.1-02, 27-20-02**

**N.D. Cent. Code § 50-25.1-02 (2007)**

**§ 50-25.1-02. Definitions**

9. "Harm" means negative changes in a child's health which occur when a person responsible for the child's welfare:

a. Inflicts, or allows to be inflicted, upon the child, physical or mental injury, including injuries sustained as a result of excessive corporal punishment;

"Harm" is defined to include mental injury but does not state how to find mental injury. Harm is indicated by "negative changes in a child's health." This definition applies to the Child Abuse and Neglect chapter.

**N.D. Cent. Code § 27-20-02 (2007)**

**§ 27-20-02. Definitions.**

8. "Deprived child" means a child who:

a. Is without 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 and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;

Defines a deprived child to be a child who has not received proper care or control necessary for the child's mental or emotional health. This definition applies to the Uniform Juvenile Court Act chapter.

**OHIO, SEE OHIO REV. CODE ANN. §§ 2151.011, 2151.03, 2151.031, 2919.22**

**Ohio Rev. Code Ann. § 2151.011 (LexisNexis 2007)**

**§ 2151.011. Definitions**

(B)(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 (Endangering Children) of the Revised Code and is committed by the parent or other person responsible for the child's care.

Defines mental injury. Definition applies to all Juvenile Courts statutes.

**Ohio Rev. Code Ann. § 2151.03 (LexisNexis 2007)**

**§ 2151.03. Neglected child defined; failure to provide medical care for religious reasons; duty to report child abuse**

(A) Neglected child includes any child:

(6) 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;

Defines a neglected child to include a child who has suffered a mental injury but does not define mental injury. This definition applies to the Juvenile Courts chapter.

**Ohio Rev. Code Ann. § 2151.031 (Anderson 2007)**

**§ 2151.031. Abused child defined**

As used in this chapter, an "abused child" includes any child who:

(C) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in division (D) of this section, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this division if the measure is not prohibited under [section 2919.22 of the Revised Code](#).

(D) Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.

Defines an abused child to include a child who has suffered a mental injury but does not define mental injury. This definition applies to the Juvenile Courts chapter.

**Ohio Rev. Code Ann. § 2919.22 (Anderson 2007)**

**§ 2919.22. Endangering children**

(B) No person shall do any of the following to a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age:

(4) Repeatedly administer unwarranted disciplinary measures to the child, when there is a substantial risk that the conduct, if continued, will seriously impair or retard child's mental health or development;

Defines child abuse to include actions that will impair or retard a child's mental health. This is the criminal statute for child abuse.

**OKLAHOMA, SEE OKL. STAT. TIT. 10, § 7102**

**Okl. Stat. tit. 10, § 7102 (2006)**

**§ 7102. Definitions.**

B.2. "Harm or threatened harm to a child's health or safety" includes, but is not limited to:

a. nonaccidental physical or mental injury

Defines harm to a child to include mental injury but does not define mental injury. This definition applies to the Child Abuse Reporting and Prevention Act.

**OREGON, SEE OR. REV. STAT. §§12.177, 419B.005**

**Or. Rev. Stat. § 12.117 (2005)**

**§ 12.117. Definitions.**

(2) Child abuse means any of the following:

(a) Intentional conduct by an adult that results in

(B) Any mental injury to a child which results in 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;

Defines child abuse to include a mental injury and states how to find a mental injury. Definition applies to civil child abuse proceedings.

**Or. Rev. Stat. § 419B.005 (2005)**

## **§ 419B.005**

(1)(a) Abuse means:

(B) Any mental injury to a child, which 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.

Defines child abuse to include mental injury and states how to find a mental injury. Definition applies to the Reporting of Child Abuse section.

## **PENNSYLVANIA, SEE 23 PA. CONS. STAT. §6303**

### **23 Pa. Cons. Stat. § 6303 (2006)**

#### **§ 6303. Definitions**

"Serious mental injury." A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:

(1) 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; or

(2) seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks

(b) Child abuse—

(1) The term "child abuse" shall mean any of the following:

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age a child under 18 years of age.

(2) No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care.

Defines a serious mental injury and how to observe it in a child. Definition applies to the Child Protective Services chapter.

## **RHODE ISLAND, SEE R.I. GEN. LAWS §§ 14-1-3, 40-11-2**

### **R.I. Gen. Laws § 14-1-3 (2007)**

#### **§ 14-1-3. Definitions**

(8) Neglect means a child who requires the protection and assistance of the court when his or her physical or mental health or welfare is harmed or threatened with harm when the parents or guardian:

- (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so;
- (ii) Fails to provide the child proper education as required by law; or
- (iii) Abandons and/or deserts the child.

Defines neglect to include harm to a child's mental health, but does not define how to assess that harm. Definition is part of the Proceedings in Family Court chapter.

### **R.I. Gen. Laws § 40-11-2 (2007)**

#### **§ 40-11-2 Definitions**

(1) "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:

- (i) Inflicts, or allows to be inflicted upon the child physical or mental injury including excessive corporal punishment; or
- (ii) Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment;

(8) "Mental injury" includes a state of substantially diminished psychological or intellectual functioning in relation 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, including incorrigibility, ungovernability, or habitual truancy; provided, however, that 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.

States that a child may be considered abused or neglected if they have suffered mental injuries and defines mental injury and how to observe it in a child. Definition applies to the Abused and Neglected Children chapter.

### **SOUTH CAROLINA, SEE S.C. CODE ANN. § 20-7-490 (2006)**

#### **S.C. Code Ann. § 20-7-490 (2006)**

##### **§ 20-7-490. Definitions.**

(2) "Child abuse or neglect", or "harm" occurs when the parent, guardian, or other person responsible for the child's welfare

(a) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which

(i) is administered by a parent or person in loco parentis;

(ii) is perpetrated for the sole purpose of restraining or correcting the child;

(iii) is reasonable in manner and moderate in degree;

(iv) has not brought about permanent or lasting damage to the child; and

(v) is not reckless or grossly negligent behavior by the parents.

(5) "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.

Defines child abuse or neglect to include mental injuries and then defines mental injury and how to observe it. These definitions apply to the family law courts and child protection agencies.

### **SOUTH DAKOTA, SEE S.D. CODIFIED LAWS § 26-8a-2**

#### **S.D. Codified Laws § 26-8A-2 (2006)**

##### **§ 26-8A-2. Definitions.**

Abused or neglected child, means a child:

(7) 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.

Defines "abused or neglected child" to include a child who has sustained emotional harm or mental injury and then states how to observe these injuries. This definition applies to the Protection of Children from Abuse or Neglect chapter.

### **TENNESSEE, SEE TENN. CODE ANN. § 37-1-102**

#### **Tenn. Code Ann. § 37-1-102 (2007)**

**§ 37-1-102. Chapter Definitions**

(1) "Abuse" exists when a person under the age of eighteen (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 caretaker;

Defines abuse to include mental conditions. Definition applies to the entire Juvenile Courts and Proceedings Chapter which includes a section on child abuse.

**TEXAS, SEE TEX. FAM. CODE ANN. §261.001**

**Tex. Fam. Code Ann. § 261.001 (Vernon 2007)**

**§ 261.001. Definitions**

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the 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;

Defines child abuse to include actions that cause mental or emotional injury and states how to find these injuries. Definition applies to the Child Abuse and Neglect chapter.

**UTAH, SEE UTAH CODE ANN. §§ 62A-4a-101, 62A-4a-402, 76-5-109**

**Utah Code Ann. § 62A-4a-101 (2007)**

**§62A-4a-101. Definitions**

(1)(a) "Abuse" means:

(i) actual or threatened nonaccidental physical or mental harm;

(8) "Chronic emotional abuse" means repeated or patterned emotional abuse.

(24) "Severe emotional abuse" means emotional abuse that causes or threatens to cause serious harm to a minor.

Defines abuse to include mental harm and defines chronic and severe emotional abuse. These definitions apply to the Child and Family Services chapter.

**Utah Code Ann. § 62A-4a-402 (2007)**

**§ 62A-4a-402. Definitions**

(2) "Child abuse or neglect" means causing harm or threatened harm to a child's health or welfare.

(4) "Harm or threatened harm" means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to:

(a) causing nonaccidental physical or mental injury;

Defines harm or threatened harm to include the causing of mental injury. Definition applies to the Child Abuse or Neglect Reporting Requirements.

**Utah Code Ann. § 76-5-109 (2007):**

**§ 76-5-109. Child abuse**

(1)(d)(i): "Serious physical injury" means any physical injury or set of injuries that:  
(C) causes serious emotional harm to the child;

(d)(ii): "Serious physical injury" includes:

(G) any conduct toward a child that results in severe emotional harm, severe developmental delay or retardation, or severe impairment of the child's ability to function;

This statute is from the Utah Criminal Code. It defines "serious physical injury" as including serious emotional harm, but does not define severe emotional harm.

**VERMONT, SEE VT. STAT. ANN. TIT. 33, § 4912**

**Vt. Stat. Ann. tit. 33, § 4912 (2004)**

**§ 4912. Definitions**

(2) An "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.

(3) "Harm" can occur by:

(A) Physical injury or emotional maltreatment

(4) "Risk of harm" means a significant danger that a child will suffer serious harm other than by accidental means, which harm would be likely to cause physical injury, neglect, emotional maltreatment or sexual abuse.

(7) "Emotional maltreatment" means a pattern of malicious behavior which results in impaired psychological growth and development.

Defines an abused or neglected child to include a child whose psychological growth or development has been harmed. Then defines harm to include emotional maltreatment and states how to find emotional maltreatment. These definitions apply to the Reporting Abuse of Children subchapter.

**VIRGINIA, SEE VA. CODE ANN. §§ 63.2-100, 16.1-228**

**Va. Code Ann. §63.2-100 (2007)**

**§§ 63.2-100, 16.1-228 Definitions**

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such 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 including but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of [§ 18.2-248](#);

Defines an abused or neglected child to include a child who has suffered or who may suffer mental injuries but does not define mental injury. This definition applies to the Welfare (Social Services) title, as well as the Juvenile and Domestic Relations Courts chapter.

**WEST VIRGINIA, SEE W. VA. CODE § 49-1-3**

**W. Va. Code § 49-1-3 (2007)**

**§ 49-1-3. Definitions relating to abuse and neglect**

(a) "Abused child" means a child whose health or welfare is harmed or threatened by:

- (1) 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;

(d) "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 which harm or threaten the health and welfare of the child.

(e) "Imminent danger to the physical well-being of the child" means

(6) Substantial emotional injury inflicted by a parent, guardian or custodian

(i)(1) "Neglected child" means a child:

(A) 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, when such refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian;

Defines child abuse to include mental or emotional injuries but does not define these injuries. These definitions apply to the Child Welfare chapter. West Virginia Criminal Child Abuse statutes (W. Va. Code §61-8D-1, §61-8D-3 (2007)) do not include emotional abuse.

## **WISCONSIN, SEE WIS. STAT §§ 48.02, 48.31, 948.01**

**Wis. Stat. § 48.02 (2006)**

### **§ 48.02. Definitions**

(5j) "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; outward aggressive behavior; or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development. (This relates to emotional damage inflicted as a result of drug endangerment--*see* subsection g, which prohibits manufacturing methamphetamine where children are present; *see also* subsection gm).

Defines emotional damage. This definition applies to the Children's Code chapter.

**Wis. Stat. § 48.31 (2006)**

### **§ 48.31. Fact-finding hearing**

(4) In cases alleging a child to be in need of protection or services under [s. 48.13 \(11\)](#), The court may not find that the child is suffering emotional damage unless a licensed

physician specializing in psychiatry or a licensed psychologist appointed by the court has testified at the hearing that in his or her opinion the condition exists, and adequate opportunity for the cross-examination of the physician or psychologist has been afforded . . . .

Outlines the process the court should follow to determine a child to be suffering from emotional damage.

**Wis. Stat. § 948.01 (2006)**

**§ 948.01. Definitions**

(2) "Mental harm" means substantial harm to a child's psychological or intellectual functioning which may be evidenced by a substantial degree of certain characteristics of the child including, but not limited to, anxiety, depression, withdrawal or outward aggressive behavior. "Mental harm" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

Defines mental harm to a child. This definition applies to the criminal statutes involving crimes against children.

**WYOMING, SEE WYO. STAT. ANN. §§ 6-2-503, 14-3-202**

**Wyo. Stat. Ann. § 6-2-503 (2006)**

**§ 6-2-503. Child abuse; penalty**

(a) Except under circumstances constituting a violation of [W.S. 6-2-502](#), a person who is not responsible for a child's welfare as defined by [W.S. 14-3-202\(a\)\(i\)](#), is guilty of child abuse, a felony punishable by imprisonment for not more than five (5) years, if:

- (i) The actor is an adult or is at least six (6) years older than the victim; and
- (ii) The actor intentionally or recklessly inflicts upon a child under the age of sixteen (16) years:
  - (A) Physical injury as defined in [W.S. 14-3-202\(a\)\(ii\)\(B\)](#); or
  - (B) Mental injury as defined in [W.S. 14-3-202\(a\)\(ii\)\(A\)](#).

(b) Except under circumstances constituting a violation of [W.S. 6-2-502](#), a person is guilty of child abuse, a felony punishable by imprisonment for not more than five (5) years, if a person responsible for a child's welfare as defined in [W.S. 14-3-202\(a\)\(i\)](#) intentionally or recklessly inflicts upon a child under the age of eighteen (18) years:

- (i) Physical injury as defined in [W.S. 14-3-202\(a\)\(ii\)\(B\)](#), excluding

reasonable corporal punishment; or

- (ii) Mental injury as defined in [W.S. 14-3-202\(a\)\(ii\)\(A\)](#).

Defines child abuse to include mental injury and then states which statute to find a definition of mental injury. This is the criminal statute for child abuse.

**Wyo. Stat. Ann. § 14-3-202 (2006)**

**§ 14-3-202. Definitions**

(a)(ii) "Abuse" means inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means

(A) "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 ability to function within a normal range of performance and behavior with due regard to his culture;

Defines abuse to include mental injury and then defines mental injury. These definitions apply to the Child Protection title.