

How Do Definitions of Child Abuse and Neglect Vary Across States?

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Federal law is the foundation of the child welfare system, but states determine much of the structure of their own systems. The Child Abuse Prevention and Treatment Act (CAPTA), as amended in 2010, identifies certain acts or behaviors as child maltreatment. States must comply with the broader CAPTA definitions (see 42 U.S.C.A. § 5106g), but within those parameters, states have their own legal definitions of child abuse and neglect, and they have various policies for reporting and responding to child maltreatment.

CAPTA (42 U.S.C.A. § 5106g) defines child abuse and neglect as: “Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation”; or “An act or failure to act which presents an imminent risk of serious harm.”

This fact sheet summarizes state definitions on types of maltreatment, risk of harm, type of harm, exceptions, perpetrators, and child age.

This fact sheet uses newly available data to describe how definitions of child maltreatment vary across all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (referred to throughout as “states”). The State Child Abuse and Neglect (SCAN) Policies Database compiles these data on state definitions and policies as of 2019. This fact sheet is part of a series that describes key aspects of states’ definitions of child maltreatment and policies for reporting, screening, and investigating child abuse and neglect.

The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children’s Bureau in the Administration for Children and Families at the U.S. Department of Health and Human Services. The project team is led by Mathematica in partnership with Child Trends. The SCAN Policies Database is available at <https://www.scanpoliciesdatabase.com> or the National Data Archive on Child Abuse and Neglect at <https://www.ndacan.acf.hhs.gov/>. The states contributing to each finding in the fact sheet are listed in the Technical Appendix at <https://www.scanpoliciesdatabase.com/>.

Source: Weigensberg, E., Islam, N., Knab, J., Grider, M., Page, J., & Bardin, S. (2021). State Child Abuse and Neglect (SCAN) Policies Database [Dataset]. National Data Archive on Child Abuse and Neglect. <https://doi.org/10.34681/14t8-8730>.



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NATIONAL DATA ARCHIVE ON
CHILD ABUSE AND NEGLECT



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State definitions of child abuse and neglect include different types of maltreatment

All states

100%

- Physical abuse
- Sexual abuse or sexual exposure
- Emotional maltreatment
- Human trafficking or sexual exploitation
- Neglect
- Medical neglect
- Abandonment
- Inadequate supervision or failure to meet parent or caretaker responsibilities

Majority of states

98%

- Inadequate shelter
- Inadequate clothing

96%

- Malnourishment
- Corporal punishment or severe discipline

94%

- Abusive head trauma or shaken baby syndrome

92%

- Drug or alcohol misuse

90%

- Failure to thrive
- Failure to protect

88%

- Exposure to a drug lab or location where illegal substances are made

87%

- Injurious environment

83%

- Prenatal exposure to drugs or alcohol

81%

- Exposure to domestic violence
- Causing or permitting a child to be exposed to or take an illegal substance

73%

- Educational neglect

Up to half of states

50%

- Institutional abuse or neglect

46%

- Female genital mutilation

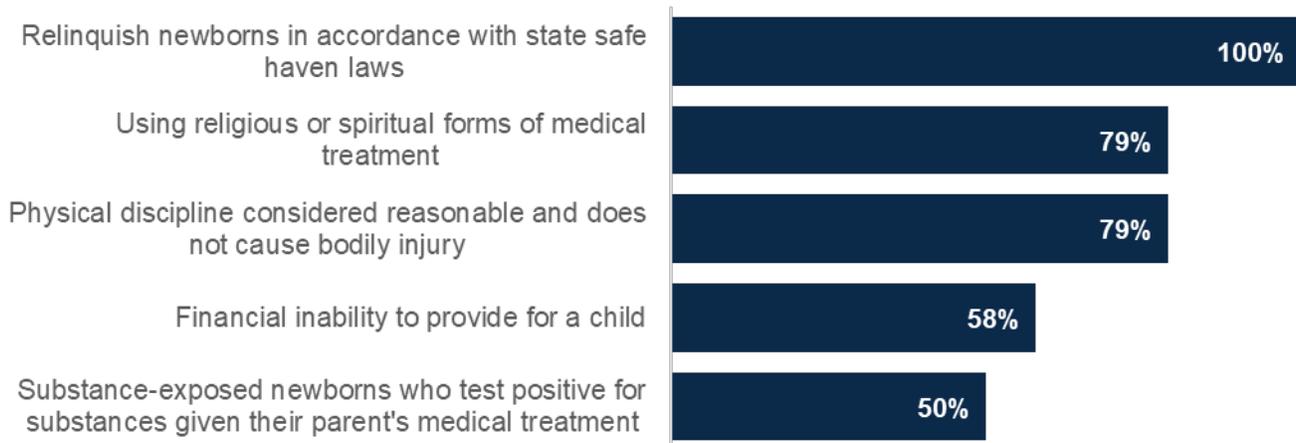
42%

- Factitious disorder by proxy



States specified different exemptions for conditions that should not be considered child maltreatment.

Percentage of states with common exemptions from their definition of child maltreatment



State safe haven laws have different conditions under which parents can relinquish newborns.¹

- Most states (85%) have a maximum age of the child that is 31 days or less. 13% of states have a maximum age between 45 and 90 days.
- Child must be left by parent or parent’s representative (90%)
- Child is left with no intent of the parent to return (65%)
- Child is left unharmed (65%)



All states specified the age of the children younger than 18 as part of their definition of child maltreatment but there were some differences by age.²

- 38% of states had additional conditions for those younger than 18. For example, a state may include all children under 18 years old, unless they have been emancipated judicially or by marriage.

¹ Safe haven laws focus on protecting newborns from endangerment by providing parents an alternative to abandonment. For more information, please see the brief on Infant Safe Haven Laws at the Child Welfare Information Gateway, available at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/safehaven/>.

² States’ definition of child maltreatment could be coded in one or more of the following categories: including youth up to age 18, including youth up to age 19, having additional conditions for youth under age 18, having additional conditions for youth over age 18, and including youth up to age 21 if the child is in the care of a child welfare agency. Percentages do not sum to 100 because some states were in multiple categories.

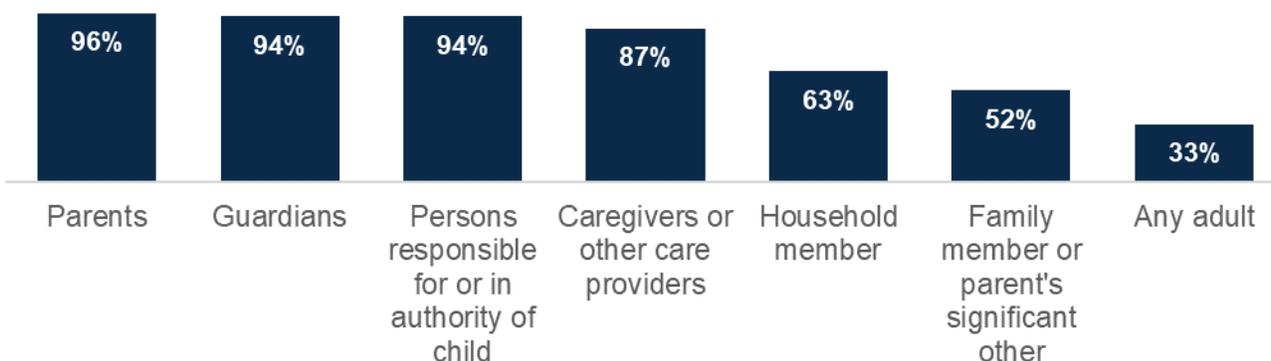
- 29% of states’ definitions of child maltreatment included conditions for youth older than 18.
- 15% of states included youth up to age 21 if the child is in the care of the child welfare agency.



98% of states defined perpetrators in their definition of child maltreatment.

- 58% of states defined perpetrators differently based on the type of maltreatment, and 40% did not. For example, a state may define a perpetrator as any adult for abuse, but for neglect, define the perpetrator as someone responsible for the care or custody of the child.

Percentage of states with common types of perpetrators in state definitions of child maltreatment



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