

Maryland

Definitions of Child Abuse and Neglect

Physical Abuse - Citation: Fam. Law § 5-701

'Abuse' means:

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

Neglect - Citation: Fam. Law § 5-701

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

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

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

'Sexual abuse' means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member. 'Sexual abuse' includes incest, rape, sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

Emotional Abuse - Citation: Fam. Law § 5-701

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

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

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

Child Abuse and Neglect

Individual Responsibility - Citation: Fam. Law § 5-704

A mandated reporter shall make an oral report, by telephone or direct communication, as soon as possible:

- To the local Department of Social Services or appropriate law enforcement agency if the person has reason to believe that the child has been subjected to abuse
- To the local department if the person has reason to believe that the child has been subjected to neglect

The mandated reporter shall make a written report to the local department no later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect and shall submit a copy to the local State's attorney if the individual has reason to believe that the child has been subjected to abuse.

Content of Reports - Citation: Fam. Law § 5-704

Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

- The name, age, and home address of the child
- The name and home address of the child's parent(s) or other person responsible for the child's care
- The whereabouts of the child
- The nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect
- Any other information that might be helpful to determine the cause of the suspected abuse or neglect and the identity of any individual responsible for the abuse or neglect
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West Virginia

Definitions of Child Abuse and Neglect

Physical Abuse - Citation: Ann. Code § 49-1-3

'Abused child' means a child whose health or welfare is harmed or threatened by:

- A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury upon the child or another child in the home
- Sexual abuse or sexual exploitation
- The sale or attempted sale of a child by a parent, guardian, or custodian in violation of the law
- Domestic violence, as defined by § 48-27-202
- Physical injury as a result of excessive corporal punishment

'Child abuse and neglect' or 'child abuse or neglect' means physical injury of a child by a parent, guardian, or custodian who is responsible for the child's welfare under circumstances that harm or threaten the health and welfare of the child.

'Imminent danger to the physical well-being of the child' means an emergency situation in which the welfare or the life of the child is threatened. Such emergency situations may include:

- Non-accidental trauma inflicted by a parent, guardian, custodian, sibling, or a babysitter or other caregiver
- A combination of physical and other signs indicating a pattern of abuse that may be medically diagnosed as battered child syndrome
- Sale or attempted sale of the child by the parent, guardian, or custodian

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

Neglect - Citation: Ann. Code § 49-1-3

'Neglected child' means a child:

- Whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education
- Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian

'Child abuse and neglect' or 'child abuse or neglect' means negligent treatment or maltreatment of a child by a parent, guardian, or custodian who is responsible for the child's welfare under circumstances that harm or threaten the health and welfare of the child.

'Imminent danger to the physical well-being of the child' means an emergency situation in which the welfare or the life of the child is threatened. Such emergency situations may include:

- Nutritional deprivation
- Inadequate treatment of serious illness or disease

Sexual Abuse/Exploitation - Citation: Ann. Code § 49-1-3

'Sexual abuse' means:

- Engaging in, attempting to engage in, or knowingly procuring another person to engage in sexual intercourse, sexual intrusion, or sexual contact with a child younger than age 16, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct
- Engaging in, attempting to engage in, or knowingly procuring another person to engage in sexual intercourse, sexual intrusion, or sexual contact with an child age 16 or older, notwithstanding the fact that the child may have consented to such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct
- Any conduct whereby a parent, guardian, or custodian displays his or her sex organs to a child or procures another person to display his or her sex organs to a child for the purpose of gratifying the sexual desire of the parent, guardian, or custodian, of the person making such display, or of the child, or for the purpose of affronting or alarming the child

'Sexual exploitation' means an act whereby a parent, guardian, or custodian:

- Whether for financial gain or not, persuades, induces, entices, or coerces a child to engage in sexually explicit conduct
- Persuades, induces, entices, or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows such display is likely to be observed by others who would be affronted or alarmed

Emotional Abuse - Citation: Ann. Code § 49-1-3

The terms 'child abuse and neglect' or 'child abuse or neglect' include mental or emotional injury of a child by a parent, guardian, or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

'Imminent danger to the physical well-being of the child' includes substantial emotional injury inflicted by a parent, guardian, or custodian.

Standards for Reporting - Citation: Ann. Code § 49-6A-2

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

Making and Screening Reports of Child Abuse - Reporting Procedures

Individual Responsibility - Citation: Ann. Code §§ 49-6A-2; 49-6A-5

When a mandated reporter has reasonable cause to suspect that a child is abused or neglected, he or she shall report to the Department of Health and Human Resources immediately, and not more than 48 hours after suspecting abuse or neglect.

If the reporter believes the child has suffered serious physical or sexual abuse, a report shall be made to the State Police or any law enforcement agency.

Reports of child abuse and neglect shall be made immediately by telephone to the child protective service agency and shall be followed by a written report within 48 hours if so requested by the receiving agency.

Content of Reports - Citation: Ann. Code § 49-6A-2

The report shall contain the reporter's observations of the conditions or circumstances that led to the suspicion that a child was an abused or neglected child.

Penalties for Failure to Report - Ann. Code § 49-6A-8

Any mandated reporter who knowingly fails to report as required, or knowingly prevents another person acting reasonably from doing so, shall be guilty of a misdemeanor, and upon conviction shall be subject to confinement in the county jail for no more than 30 days, a fine of no more than \$1,000, or both.

Virginia

Definitions of Child Abuse and Neglect

Physical Abuse - Citation: Ann. Code § 63.2-100

'Abused or neglected child' means any child younger than age 18:

- Whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted, upon the child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions
- Who is with the parent or other responsible person either (1) during the manufacture or attempted manufacture of a schedule I or II controlled substance, or (2) during the unlawful sale of such substance, where such manufacture, attempted manufacture, or unlawful sale would constitute a felony violation
- Whose parents or other responsible person creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment, with a person to whom the child is not related by blood or marriage and who the parent or other responsible person knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender

Neglect - Citation: Ann. Code § 63.2-100

'Abused or neglected child' means any child younger than age 18:

- Whose parents or other person responsible for his or her care neglects or refuses to provide care necessary for his or her health
- Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing *in loco parentis*

Sexual Abuse/Exploitation - Citation: Ann. Code § 63.2-100

The term 'abused or neglected child' includes any child younger than age 18 whose parents or other person responsible for his or her care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.

Emotional Abuse - Citation: Ann. Code § 63.2-100

The term 'abused or neglected child' includes any child younger than age 18 whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon the child a mental injury, or creates a substantial risk of impairment of mental functions.

Standards for Reporting - Citation: Ann. Code § 63.2-1509

A report is required when there is reason to suspect that a child is abused or neglected.

Child Abuse

Reporting Procedures

Individual Responsibility - Citation: Ann. Code § 63.2-1509

A mandated reporter who has reason to suspect that a child is an abused or neglected child shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the toll-free child abuse and neglect hotline of the Department of Social Services.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the State Board of Social Services.

Content of Reports - Citation: Ann. Code § 63.2-1509

A mandated reporter shall disclose all information that is the basis for his or her suspicion of abuse or neglect of the child and, upon request, shall make available to the child protective services coordinator and the local department that is the agency of jurisdiction any information, records, or reports that document the basis for the report.

Penalties for Failure to Report and False Reporting of Child Abuse - Failure to Report - Ann. Code § 63.2-1509(D)-(E)

Any person required to file a report pursuant to this section who fails to do so as soon as possible, but no longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined no more than \$500 for the first failure and, for any subsequent failures, no less than \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration, § 18.2-61 *et seq.*, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the department's toll-free child abuse and neglect hotline.

False Reporting - Ann. Code § 63.2-1513(A)

Any person age 14 or older who makes or causes to be made a report of child abuse or neglect that he or she knows to be false shall be guilty of a Class 1 misdemeanor.

Any person age 14 or older who has been previously convicted under this subsection and who is subsequently convicted of making a false report of child abuse or neglect shall be guilty of a Class 6 felony.

Definitions of Child Abuse and Neglect

Physical Abuse - Citation: Cons. Stat. Tit. 23, § 6303

'Child abuse' means any of the following:

- Any recent act or failure to act by a perpetrator that causes non-accidental serious physical injury to a child under age 18
- Any recent act, failure to act, or series of such acts or failures to act by a perpetrator that creates an imminent risk of serious physical injury to a child under age 18

'Serious bodily injury' means bodily injury that creates a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.

'Serious physical injury' means an injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

'Non-accidental' means an injury that is the result of an intentional act that is committed with disregard of a substantial and unjustifiable risk.

Neglect - Citation: Cons. Stat. Tit. 23, § 6303

The term 'child abuse' includes serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, that endangers a child's life or development or impairs the child's functioning.

Sexual Abuse/Exploitation - Citation: Cons. Stat. Tit. 23, § 6303

The term 'child abuse' means any of the following:

- An act or failure to act by a perpetrator that causes sexual abuse or sexual exploitation of a child under age 18
- Any recent act, failure to act, or series of such acts or failures to act by a perpetrator that creates an imminent risk of sexual abuse or sexual exploitation of a child under age 18

'Sexual abuse or exploitation' means any of the following:

- The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another individual to engage in, sexually explicit conduct
- The employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another individual to engage in, simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting, and filming
- Any of the following offenses committed against a child:
 - Rape
 - Sexual assault
 - Involuntary deviate sexual intercourse
 - Aggravated indecent assault
 - Molestation
 - Incest
 - Indecent exposure

Prostitution
Sexual abuse
Sexual exploitation

Emotional Abuse - Citation: Cons. Stat. Tit. 23, § 6303

The term 'child abuse' includes an act or failure to act by a perpetrator that causes non-accidental serious mental injury to a child under age 18.

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

- Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that his or her life or safety is threatened
- Seriously interferes with a child's ability to accomplish age-appropriate development and social tasks

Standards for Reporting - Citation: Cons. Stat. Tit. 23, § 6311

A report is required when there is reasonable cause to suspect that a child is a victim of abuse.

Making and Screening Reports of Child Abuse and Neglect

Individual Responsibility - Citation: Cons. Stat. Tit. 23 §§ 6311; 6313

A mandated reporter who has reasonable cause to suspect that a child is an abused or neglected child shall make a report to the Department of Public Welfare.

An oral report shall be made immediately, to be followed by a written report within 48 hours.

Written reports shall be made to the appropriate county agency in a manner and on forms the department prescribes by regulation.

Content of Reports - Citation: Cons. Stat. Tit. 23 § 6313

The written reports shall include the following information if available:

- The names and addresses of the child and the child's parents or other persons responsible for the care of the child, if known
- Where the suspected abuse occurred
- The age and sex of subjects of the report
- The nature and extent of the suspected abuse, including any evidence of prior abuse to the child or siblings of the child
- The name and relationship of the person responsible for causing the suspected abuse, if known, and any evidence of prior abuse by that person
- Family composition
- The source of the report
- The name and contact information of the person making the report
- Any actions taken by the source
- Any other information that the department may require by regulation

Penalties for Failure to Report Child Abuse - Failure to Report - Cons. Stat. Ch. 23, § 6319

A mandatory reporter who willfully fails to report as required commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation.

District of Columbia

Definitions of Child Abuse and Neglect

Physical Abuse - Citation: Ann. Code § 16-2301

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

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

Neglect - Citation: Ann. Code § 16-2301

'Neglected child' means a child:

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

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

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

'Sexual abuse' means:

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

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

Emotional Abuse - Citation: Ann. Code § 16-2301

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

Abandonment - Citation: Ann. Code § 16-2301

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

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

A report is required when a person knows or has reasonable cause to suspect that a child has been or is in immediate danger of being a mentally or physically abused or neglected child.

Making and Screening Reports of Child Abuse and Neglect

Reporting Procedures

Individual Responsibility - Citation: Ann. Code §§ 4-1321.02; 4-1321.03

A mandated reporter who knows or has reasonable cause to suspect abuse or neglect of a child shall immediately report to the police department or the Child and Family Services Agency.

Each person required to make a report of a known or suspected neglected child shall:

- Immediately make an oral report of the case to the Child and Family Services Agency or the police department
- Make a written report of the case if requested by the agency or police or if the abuse involves drug-related activity

Content of Reports - Citation: Ann. Code § 4-1321.03

The report shall include, but need not be limited to, the following information if it is known to the person making the report:

- The name, age, sex, and address of the child, the child's siblings, other children in the home, and the parents or other persons responsible for the child's care
- The nature and extent of the abuse or neglect and any previous abuse or neglect
- Any other information that might be helpful
- If the source of the report is a mandated reporter, the identity and occupation of the source, how to contact the source, and any action taken by the source concerning the child

Penalties for Failure to Report - Failure to Report - Ann. Code § 4-1321.07

Any person required to make a report under the reporting laws who willfully fails to make such a report shall be fined not more than \$300, imprisoned for not more than 90 days, or both.