

Mandatory Reporting Task Force

50-State Policy Scan: Exceptions to definitions of abuse and neglect*

The Mandatory Reporting Task Force is considering whether changes to Colorado’s statutory definition of child abuse and neglect might improve the state’s child protection system. To aid this, the Office of Colorado’s Child Protection Ombudsman (CPO) has researched how states throughout the country have incorporated exclusions, requirements, or special considerations into their statutory definitions of abuse and neglect. It is important to note that the CPO is providing this information as an informational resource as task force members consider possible changes in Colorado. The curation of this information is not an endorsement of any particular policy, and the CPO neither endorses nor disapproves of the policies included below.

Summary of Trends

Not neglect if tied to socioeconomic status	AR, CA, DC, LA, MA, OK, PA, WA, WV, WI (10)
Unaccompanied/homeless status not sufficient for report of abuse	CA, MO, WA, WY (4)
Must consider cultural differences	CA, CO, MN (3)
Not neglect if services unavailable or have not been offered	AZ, AR (2)
Disability status not sufficient for report of abuse	CA, WA (2)

Arizona: Citation: [Rev. Stat. § 8-201](#)

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

Arkansas: Citation: [Ann. Code § 12-18-103](#)

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

*As captured by the [Child Welfare Information Gateway](#)’s 50-state scan, and relevant to socioeconomic status, housing status, disability status, or culture. This selection does not include exceptions related to corporal punishment, reliance on religious practitioners for treatment, or the right for children to engage in independent activities. This is a review of language in statute and generally does not include regulations, administrative code, or agency documents. To see full context of statute please use provided citations. Text of statute generally current through May 2022, with the exception of California’s newer changes as identified in Casey Family Programs’ Analysis of state definitions of child neglect [resource](#).

California: Citation: [Cal. Penal Code § 11165.2](#), [Cal. Welf. & Inst. Code § 16509](#), [Cal. Welf. & Inst. Code § 300](#) and [Cal. Welf. & Inst. Code § 16509.2](#)

“General neglect” does not include a parent's **economic disadvantage**.

Cultural and religious child-rearing practices and beliefs which differ from general community standards shall not in themselves create a need for child welfare services unless the practices present a specific danger to the physical or emotional safety of the child.

A child shall not be found to be a person described by this subdivision [children suffering physical harm] solely due to any of the following: (A) **Homelessness** or the lack of an emergency shelter for the family. (B) The failure of the child's parent or alleged parent to seek court orders for custody of the child. (C) **Indigence** or other conditions of **financial difficulty**, including, but not limited to, **poverty**, the inability to provide or obtain **clothing, home or property repair, or childcare**.

The **physical or mental incapacity**, or both, in itself, of a parent or a child, shall not result in a presumption of need for child welfare services.

Colorado: Citation: [Rev. Stat. §§ 19-1-103; 19-3-103¹](#)

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

DC: Citation: [Ann. Code § 16-2301](#)

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

Florida: Citation: [Ann. Stat. § 39.01](#)

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

Louisiana: Citation: [Ch. Code Art. 603](#)

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

Massachusetts: Citation: [Code of Mass. Regs. Tit. 110, § 2.00](#)

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

¹ Article 3 of The Children's Code addresses dependency and neglect. This citation is being provided as a reference as it relates to Colorado's definition and other citations provided.

Minnesota: Citation: [Ann. Stat. §§ 260E.03; 260E.05; 260E.06](#)

Persons who conduct assessments or investigations under this section shall consider accepted **child-rearing practices of the culture** in which a child participates and accepted teacher discipline practices that are not injurious to the child's health, welfare, and safety.

Missouri: Citation: [Ann. Stat. § 210.115](#)

For the purposes of providing supportive services or verifying the status of a youth as unaccompanied or homeless for the purposes of accessing supportive services, the fact that a child is an **unaccompanied youth**, as defined in 42U.S.C. § 11434a(6), is not, in and of itself, a sufficient basis for reporting child abuse or neglect, unless the child is under age 16 or is an incapacitated person, as defined in § 475.010. Nothing in this subsection shall limit a mandated reporter from making a report if the mandated reporter knows or has reasonable cause to suspect that an unaccompanied youth has been or may be a victim of abuse or neglect.

Oklahoma: Citation: [Ann. Stat. Tit. 10A, § 1-1-105](#)

Evidence of **material, educational, or cultural disadvantage** as compared to other children shall not be sufficient to prove that a child is deprived; the State shall prove that the child is deprived as defined pursuant to this title.

Pennsylvania: Citation: [Cons. Stat. Tit. 23, §6304](#)

No child shall be deemed to be abused based on injuries that result solely from environmental factors, such as **inadequate housing, furnishings, income, clothing, and medical care**, which are **beyond the control** of the parent.

Washington: Citation: [Rev. Code §§ 26.44.015; 26.44.020](#)

This chapter shall not be construed to authorize interference with **child-raising practices**, including reasonable parental discipline, that are not injurious to a child's health, welfare, and safety.

No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's **blindness, deafness, developmental disability, or other disability**.

The fact that **siblings share a bedroom** is not, in and of itself, negligent treatment or maltreatment. **Poverty, experiencing homelessness, or exposure to domestic violence** that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

West Virginia: Citation: [Ann. Code § 49-1-201](#)

A child is not considered neglected under the following circumstances: The lack of necessary **food, clothing, shelter, or medical care** is due primarily to a **lack of financial means** on the part of the parent.

Wisconsin: Citation: [Ann. Stat. § 48.02](#)

It is not considered neglect when the failure to provide a child with necessary care, **food, clothing, shelter, medical, or dental** care is due to **poverty**.

Wyoming: Citation: [Ann. Stat. § 14-3-205](#)

The fact a child, who is at least age 16, is **homeless**, as defined in § 14-1-102(d), shall not, in and of itself, constitute a sufficient basis for reporting neglect.