

Current Through December 31, 1999

Child Abuse and Neglect State Statutes Elements

Crimes

Number 32
Criminal Neglect and
Abandonment

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

NATIONAL CLEARINGHOUSE ON CHILD ABUSE AND NEGLECT INFORMATION
330 C Street, SW • Washington, DC 20447 • (703) 385-7565
Outside Metropolitan Area: (800) FYI-3366
<http://www.calib.com/nccanch>

NATIONAL CENTER FOR PROSECUTION OF CHILD ABUSE
99 Canal Center Plaza, Suite 510 • Alexandria, VA 22314 • (703) 739-0321
<http://www.ndaa-apri.org>

Criminal Neglect and Abandonment

Criminal abandonment statutes address caretakers who permanently abandon a child under their care. A more common occurrence is a caretaker who fails to provide adequate food, clothing, medical care or other necessities, or otherwise neglects a child. Most statutes provide that neglect is only a criminal offense if the caretaker has the ability to care for the child and fails or refuses to do so, or if the parent "without lawful excuse" fails to provide for a child. Also included in this collection are statutes addressing a caretaker who places a child in a position where the person or health of the child is endangered.

**Child Abuse Crimes:
Criminal Neglect and Abandonment**
(Current through December 31, 1999)

Alabama	Ala. Code § 13A-13-5 (1994) Ala. Code § 13A-13-6 (1994)
Alaska	Alaska Stat. § 11.51.100 (Michie Supp. 1998) Alaska Stat. § 11.51.120 (Michie Supp. 1998)
Arizona	Ariz. Rev. Stat. Ann. § 13-3619 (West 1989 & Supp. 1997) Ariz. Rev. Stat. Ann. § 13-3623 (West Supp. 1999)
Arkansas	Ark. Code Ann. § 5-27-203 et seq. (Michie 1997) Ark. Code Ann. § 5-27-221 (Michie 1997)
California	Cal. Penal Code § 270 et seq. (West 1989 & Supp. 1998)
Colorado	Colo. Rev. Stat. § 18-6-401 (1999)
Connecticut	Conn. Gen. Stat. Ann. § 53-20 et seq. (West 1994 & Supp. 1998)
Delaware	Del. Code Ann. tit. 11, § 1101 (1995) Del. Code Ann. tit. 11, § 1102 (Michie Supp. 1998)
District of Columbia	D.C. Code Ann. § 22-902 (1996)
Florida	Fla. Stat. Ann. ch. 827.03 (Harrison Supp. 2000)
Georgia	Ga. Code Ann. § 16-5-70 (1999) Ga. Code Ann. § 16-5-72 (1999)
Hawaii	Haw. Rev. Stat. Ann. § 709-902 et seq. (Michie 1999)
Idaho	Idaho Code § 18-1501 (1997)
Illinois	720 Ill. Comp. Stat. Ann. § 5/12-21.5 (West Supp. 1998)
Indiana	Ind. Code § 35-46-1-4 (Michie 1998)

Iowa	Iowa Code § 726.3 (West 1993 & Supp. 1998) Iowa Code § 726.6 (West Supp. 1998)
Kansas	Kan. Stat. Ann. § 21-3604 et seq. (1995)
Kentucky	Ky. Rev. Stat. Ann. § 530.040 (Banks-Baldwin 1995) Ky. Rev. Stat. Ann. § 508.090 et seq. (Banks-Baldwin 1995)
Louisiana	La. Rev. Stat. Ann. § 14:79.1 (West Supp. 2000) La. Rev. Stat. Ann. § 14:93 (West 1986 & Supp. 1999) La. Rev. Stat. Ann. § 14:93.2.1 (West Supp. 2000)
Maine	Me. Rev. Stat. Ann. tit. 17-A, § 553 (West 1983 & Supp. 1999) Me. Rev. Stat. Ann. tit. 17-A, § 554 (West 1983 & Supp. 1999)
Massachusetts	Mass. Gen. Laws Ann. ch. 119, § 39 (West 1994)
Minnesota	Minn. Stat. Ann. § 609.378 (West Supp. 2000)
Mississippi	Miss. Code Ann. § 97-5-1 (1994) Miss. Code Ann. § 97-5-39 et seq. (1994)
Missouri	Mo. Rev. Stat. § 568.030 et seq. (Supp. 1999)
Montana	Mont. Code Ann. § 45-5-622 (1999)
Nebraska	Neb. Rev. Stat. § 28-705 (1995) Neb. Rev. Stat. § 28-707 (Supp. 1999)
Nevada	Nev. Rev. Stat. § 200.508 (Supp. 1999) Nev. Rev. Stat. § 432B.140 (1997)
New Hampshire	N.H. Rev. Stat. § 639:3 (1996)
New Jersey	N.J. Stat. Ann. § 2C:24-4 (West Supp. 1999) N.J. Stat. Ann. § 9:6-1 (West Supp. 1998) N.J. Stat. Ann. § 9:6-3 (West 1993) N.J. Stat. Ann. § 9:6-8.21 (West Supp. 1999)
New Mexico	N.M. Stat. Ann. § 30-6-1 (Michie Supp. 1999)
New York	N.Y. Penal Law § 260.00 (McKinney 2000) N.Y. Penal Law § 260.10 (McKinney 2000)
North Carolina	N.C. Gen. Stat. § 14-316.1 (1999) N.C. Gen. Stat. § 14-318.2 (1999)
North Dakota	N.D. Cent. Code § 14-09-22 (Supp. 1999)
Ohio	Ohio Rev. Code Ann. § 2919.21 (1999) Ohio Rev. Code Ann. § 2919.22 (1999)

Oklahoma	Okla. Stat. Ann. tit. 10, § 7102 (West Supp. 2000) Okla. Stat. Ann. tit. 10, § 7115 (West Supp. 2000) Okla. Stat. Ann. tit. 21, § 843.1 (West Supp. 2000) Okla. Stat. Ann. tit. 21, § 851 (West Supp. 2000) Okla. Stat. Ann. tit. 21, § 852 (West Supp. 2000) Okla. Stat. Ann. tit. 21, § 852.1 (West Supp. 2000)
Oregon	Or. Rev. Stat. § 163.205 (Supp. 1998) Or. Rev. Stat. § 163.545 (Supp. 1998)
Pennsylvania	18 Pa. Cons. Stat. Ann. § 4304 (West Supp. 2000)
Rhode Island	R.I. Gen. Laws § 11-9-5 (Supp. 1999)
South Carolina	S.C. Code Ann. § 20-7-50 (West Supp. 1999) S.C. Code Ann. § 20-7-70 (West Supp. 1999)
South Dakota	SD Codified Laws § 26-9-1 (Michie 1998) SD Codified Laws § 26-9-6 (Michie 1998)
Tennessee	Tenn. Code Ann. § 39-15-401 (Supp. 1999) Tenn. Code Ann. § 39-15-402 (Supp. 1999)
Texas	Tex. Penal Code Ann. § 22.04 (West Supp. 2000) Tex. Penal Code Ann. § 22.041 (West Supp. 2000) Tex. Penal Code Ann. § 22.10 (West 1994)
Utah	Utah Code Ann. § 76-5-110 (Supp. 1999)
Vermont	Vt. Stat. Ann. tit. 13, § 1303 et seq. (1998)
Virginia	Va. Code Ann. § 18.2-371.1 (Michie 1996) Va. Code Ann. § 40.1-103 (1998)
Washington	Wash. Rev. Code Ann. § 9A.42.020 (West Supp. 1999) Wash. Rev. Code Ann. § 9A.42.030 (West Supp. 1999)
West Virginia	W. Va. Code § 61-8D-4 (1997) W. Va. Code § 61-8D-4a (1997)
Wisconsin	Wis. Stat. Ann. § 948.03 (West 1996) Wis. Stat. Ann. § 948.20 (West 1996) Wis. Stat. Ann. § 948.21 (West 1996)
Wyoming	Wyo. Stat. Ann. § 6-4-403 (Supp. 1999) Wyo. Stat. Ann. § 14-3-202 (Michie 1997)

**Child Abuse Crimes:
Criminal Neglect and Abandonment**
(Current through December 31, 1999)

ALABAMA**Ala. Code § 13A-13-5 (1994)**

A man or woman commits the crime of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old, he or she deserts such child in any place with intent wholly to abandon it. Abandonment of a child is a class A misdemeanor.

Ala. Code § 13A-13-6 (1994)

A man or woman commits the crime of endangering the welfare of a child when he or she knowingly directs or authorizes a child less than 16 years of age to engage in an occupation involving substantial risk of danger to his life or health. Endangering the welfare of a child is a class A misdemeanor.

ALASKA**Alaska Stat. § 11.51.100 (Michie Supp. 1998)**

A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person: (1) intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child; (2) leaves the child with another person who is not a parent, guardian, or lawful custodian of the child knowing that the person is registered or required to register as a sex offender under the laws of this state or a law or ordinance in another jurisdiction with similar requirements; has been charged by complaint, information, or indictment with sexual assault, sexual abuse, incest, unlawful exploitation of a minor, or a law or ordinance in another jurisdiction with similar elements; or has been charged by complaint, information, or indictment with an attempt, solicitation, or conspiracy to commit sexual assault, sexual abuse, incest, or unlawful exploitation of a minor. Endangering the welfare of a child in the first degree under (1) or (2) of this section is a class C felony.

A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person leaves the child with another person knowing that the person has previously physically mistreated or had sexual contact with any child, and the other person causes physical injury or engages in sexual contact with the child. Endangering the welfare of a child in the first degree under this section is a class B felony if the child dies; class C felony if the child suffers sexual contact, sexual penetration, or serious physical injury; or class A misdemeanor if the child suffers physical injury.

Alaska Stat. § 11.51.120 (Michie Supp. 1998)

A person commits the crime of criminal nonsupport if, being a person legally charged with the support of a child under 18 years of age, the person fails without lawful excuse to provide support for the child. Criminal nonsupport is a class A misdemeanor. As used in this section support includes necessary food, care, clothing, shelter, medical attention, and education.

ARIZONA**Ariz. Rev. Stat. § 13-3619 (West 1989 & Supp. 1997)**

A person having custody of a minor under 16 years of age who knowingly causes or permits the life of such minor to be endangered, its health to be injured or its moral welfare to be imperiled, by neglect, abuse or immoral associations, is guilty of a class 1 misdemeanor.

Ariz. Rev. Stat. § 13-3623 (West Supp. 1999)

Under circumstances likely to produce death or serious physical injury, any person who causes a child to suffer physical injury, or having the care or custody of such child, causes or permits the person or health of such child to be injured or who causes or permits such child to be placed in a situation where its person or health is endangered, is guilty of an offense. If done with criminal negligence, the offense is a class 4 felony.

Under circumstances other than those likely to produce death or serious physical injury to a child, any person who causes a child to suffer physical injury or abuse or having the care or custody of such child causes or permits the person or health of such child to be injured or causes or permits such child to be injured or causes or permits such child to be placed in a situation where its person or health is endangered is guilty of an offense. If done with criminal negligence the offense is a class 6 felony.

ARKANSAS**Ark. Code Ann. § 5-27-203 (Michie 1997)**

A person commits the offense of endangering the welfare of a minor in the first degree, if, being a parent, guardian, person legally charged with care or custody of a minor, or a person charged with supervision of a minor, he purposely deserts a minor less than 10 years old under circumstances creating a substantial risk of death or serious physical injury. Endangering the welfare of a minor in the first degree is a class D felony.

Ark. Code Ann. § 5-27-204 (Michie 1997)

A person commits the offense of endangering the welfare of a minor in the second degree if he knowingly engages in conduct creating a substantial risk of serious harm to the physical or mental welfare of one known by the actor to be a minor. Endangering the welfare of a minor in the second degree is a class A misdemeanor.

Ark. Code Ann. § 5-27-221 (Michie 1997)

A person commits the offense of permitting abuse of a child if, being a parent, guardian, or person legally charged with the care or custody of a child, he recklessly fails to take action to prevent the abuse of a child who is less than 11 years old.

For the purposes of this section, abuse means any physical injury inflicted on a child other than by accidental means or any act that involves sexual molestation or exploitation.

Permitting abuse of a child is a class C felony if the abuse of the child consisted of sexual intercourse or deviate sexual activity, or caused serious physical injury or death to the child. Permitting abuse of a child is

a class A misdemeanor if the abuse of the child consisted of sexual contact or caused physical injury to the child.

CALIFORNIA

Cal. Penal Code § 270 (West 1989)

If a parent of a minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, or medical assistance, or other remedial care for his or her child, he or she is guilty of a misdemeanor.

Proof of abandonment or desertion of a child by such parent, or the omission by such parent to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his or her child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse.

Cal. Penal Code § 271 (West 1989)

Every parent of any child under the age of 14 years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent to abandon, it is punishable by imprisonment in the state prison or in the county jail not exceeding one year or by fine not exceeding \$1,000 or by both.

Cal. Penal Code § 271a (West 1989)

Every person who knowingly and willfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of 14 years, or who falsely, knowing the same to be false, represents to any manager, officer or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into such asylum or institution application has been made is an orphan, is punishable by imprisonment in the state prison or in the county jail not exceeding one year, or by fine not exceeding \$1,000 or by both.

Cal. Penal Code § 273a (West Supp. 1998)

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 that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 4 or 6 years.

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 that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

COLORADO**Colo. Rev. Stat. § 18-6-401 (1999)**

A person commits child abuse if such person causes an injury to a child's life or health or permits a child to be unreasonably placed in a situation which poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct which results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries which ultimately results in the death of a child or serious bodily injury to a child.

Where death or injury results, the following shall apply: When a person acts knowingly or recklessly and the child abuse results in death to the child, it is a class 2 felony. When a person acts with criminal negligence and the child abuse results in death to the child, it is a class 3 felony. When a person acts knowingly or recklessly and the child abuse results in serious bodily injury to the child, it is a class 3 felony. When a person acts with criminal negligence and the child abuse results in serious bodily injury to the child, it is a class 4 felony. When a person acts knowingly or recklessly and the child abuse results in any injury other than serious bodily injury, it is a class 1 misdemeanor. When a person acts with criminal negligence and the child abuse results in any injury other than serious bodily injury to the child, it is a class 2 misdemeanor.

Where no death or injury results, an act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor. An act of child abuse when a person acts with criminal negligence is a class 3 misdemeanor.

CONNECTICUT**Conn. Gen. Stat. § 53-20 (West 1994)**

Any person who tortures, torments, cruelly or unlawfully punishes or willfully or negligently deprives any person of necessary food, clothing, shelter or proper physical care; and any person who, having control and custody of any child under the age of 16 years, in any capacity whatsoever, maltreats, tortures, overworks, cruelly or unlawfully punishes or willfully or negligently deprives such child of necessary food, clothing, or shelter shall be fined not more than \$500 or imprisoned not more than one year or both.

Conn. Gen. Stat. § 53-21 (West Supp. 1998)

Any person who willfully or unlawfully causes or permits any child under the age of 16 years to be placed in such a situation that life or limb of such child is endangered, the health of such child is likely to be injured, or the morals likely to be impaired, or does any act likely to impair the health or morals of any such child shall be guilty of a class C felony.

Conn. Gen. Stat. § 53-23 (West 1994)

Any person having the charge of any child under the age of six years who exposes it in any place with the intent wholly to abandon it, shall be fined not more than \$500 and imprisoned not more than five years.

DELAWARE**Del. Code Ann. tit. 11, § 1101 (1995)**

A person is guilty of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child less than 16 years old, the person deserts the child in any place intending permanently to abandon it. Abandonment of a child is a class A misdemeanor.

Del. Code Ann. tit. 11, § 1102 (Michie Supp. 1998)

A person is guilty of endangering the welfare of a child when, being a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old, the person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or intentionally does or fails to do any act, with the result that the child becomes a neglected child. Endangering the welfare of a child shall be punished as follows: (1) when the death of a child occurs while the child's welfare was endangered, endangering the welfare of a child is a class E felony; (2) when serious physical injury to a child occurs while the child's welfare was endangered, endangering the welfare of a child is a class G felony; (3) in all other cases, endangering the welfare of a child is a class A misdemeanor.

For the purpose of imposing the penalties provided in this section, it is not necessary to prove the person's state of mind or liability for causation with regard to the resulting death or serious physical injury of the child.

DISTRICT OF COLUMBIA**D.C. Code Ann. § 22-902 (1996)**

Any person within the District of Columbia, of sufficient financial ability, who shall refuse or neglect to provide for any child under the age of 14 years, of which he or she shall be the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, shall be deemed guilty of a misdemeanor, and upon convictions thereof shall be subjected to punishment of a fine of no more than \$100, or by imprisonment for not more than 3 months, or both.

FLORIDA**Fla. Stat. Ann. ch. 827.03 (Harrison Supp. 2000)**

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.

A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree.

A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree.

GEORGIA

Ga. Code Ann. § 16-5-70 (1999)

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. A person convicted of the offense of cruelty to children in the first degree shall be punished by imprisonment for not less than five nor more than 20 years.

Ga. Code Ann. § 16-5-72 (1999)

A parent, guardian, or other person supervising the welfare of or having immediate charge or custody of a child under the age of one year commits the offense of reckless abandonment of a child when the person willfully and voluntarily physically abandons such child with the intention of severing all parental or custodial duties and responsibilities to such child and leaving such child in a condition which results in the death of said child. Any person who violates this subsection of the code shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for not less than ten nor more than 25 years.

HAWAII

Haw. Rev. Stat. Ann. § 709-902 (Michie 1999)

A person commits the offense of abandonment of a child if, being a parent, guardian, or other person legally charged with the care or custody of a child less than 14 years old, he deserts the child in any place with intent to abandon it. Abandonment of a child is a misdemeanor.

Haw. Rev. Stat. Ann. § 709-903.5 (Michie 1999)

A person commits the offense of endangering the welfare of a minor in the first degree if, having care or custody of a minor, the person intentionally or knowingly allows another person to inflict serious or substantial bodily injury on the minor. Endangering the welfare of a minor in the first degree is a class C felony.

Haw. Rev. Stat. § 709-904 (Michie 1999)

A person commits the offense of endangering the welfare of a minor in the second degree if, having care or custody of a minor, the person recklessly allows another person to inflict serious or substantial bodily injury on the minor. A person commits endangering the welfare of a minor in the second degree if, being a parent, guardian, or other person whether or not charged with the care of custody of a minor, the person knowingly endangers the minor's physical or mental welfare by violating or interfering with any legal duty of care or protection owed such minor. Endangering the welfare of a minor is a misdemeanor.

IDAHO**Idaho Code § 18-1501 (1997)**

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 year, or in the state prison for not less than one year nor more than ten years.

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, or 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.

A person over the age of 18 commits the crime of injury to a child if the person transports a minor in a motor vehicle while under the influence of alcohol, intoxicating liquor, a controlled substance, or any combination thereof. Any person convicted of violating this subsection is guilty of a misdemeanor. If a child suffers bodily injury or death due to a violation of this subsection, the violation will constitute a felony punishable by imprisonment for not more than 10 years, unless a more severe penalty is otherwise prescribed by law.

ILLINOIS**720 Ill. Comp. Stat. Ann. § 5/12-21.5 (West Supp. 1998)**

A person commits the offense of child abandonment when he or she, as a parent, guardian or other person having physical custody or control of a child, without regard for the mental or physical health, safety or welfare of that child, knowingly leaves the child who is under the age of 13 without supervision by a responsible person over the age of 14 for a period of 24 hours or more.

For the purposes of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, the trier of fact shall consider the following factors: the age of the child; the number of children left at the location; special needs of the child, including whether the child is physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications; the duration of time in which the child was left without supervision; the condition and location of the place where the child was left without supervision; the time of day or night when the child was left without supervision; the weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light; the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision; whether the child's movement was restricted, or the child was otherwise locked within a room or other structure; whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call; whether there was food and other provision left for the child; whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the child; the age and physical and mental

capabilities of the person or persons who provided supervision for the child; any other factor that would endanger the health or safety of that particular child, or; whether the child was left under the supervision of another person.

Child abandonment is a class 4 felony. A second or subsequent offense after a prior conviction is a class 3 felony.

INDIANA

Ind. Code § 35-46-1-4 (Michie 1997)

A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally places the dependent in a situation that may endanger his life or health; abandons or cruelly confines the dependent; deprives the dependent of necessary support; or deprives the dependent of education as required by law, commits neglect of a dependent, a class D felony. However, the offense is a class B felony if it results in serious bodily injury.

IOWA

Iowa Code § 726.3 (West 1993 & Supp. 1998)

A person who is the father, mother, or some other person having custody of a child, who knowingly or recklessly exposes such person to a hazard or danger against which such person cannot reasonably be expected to protect such person's self or who deserts or abandons such person, knowing or having reason to believe that the person will be exposed to such hazard or danger, commits a class C felony.

Iowa Code § 726.6 (West Supp. 1998)

A person who is the parent, guardian or person having custody or control over a child or a mentally or physically handicapped minor under the age of 18, commits child endangerment when the person does any of the following: knowingly acts in a manner that creates a substantial risk to a child or minor's physical, mental or emotional health or safety; willfully deprives a child or minor of necessary food, clothing, shelter, health care or supervision appropriate to the child or minor's age, when the person is reasonably able to make the necessary provisions and which deprivation substantially harms the child or minor's physical, mental or emotional health; knowingly permits the continuing physical or sexual abuse of a child or minor; or abandons the child or minor to fend for the child or minor's self, knowing that the child or minor is unable to do so. A person who commits child endangerment resulting in serious injury to a child or minor is guilty of a class C felony. A person who commits child endangerment not resulting in serious injury to a child or minor is guilty of an aggravated misdemeanor.

KANSAS

Kan. Stat. Ann. § 21-3604 (1995)

Abandonment of a child is the leaving of a child under the age of 16 years, in a place where such child may suffer because of neglect, by the parent, guardian or other person to whom the care and custody of such child shall have been entrusted, when done with intent to abandon such child. Abandonment of a child is a severity level 8, person felony.

Kan. Stat. Ann. § 21-3604a (1995)

Aggravated abandonment of a child is abandonment of a child which results in great bodily harm. Aggravated abandonment of a child is a severity level 5, person felony.

Kan. Stat. Ann. § 21-3608 (1995)

Endangering a child is intentionally and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be injured or endangered. Endangering a child is a class A person misdemeanor.

KENTUCKY**Ky. Rev. Stat. Ann. § 530.040 (Banks-Baldwin 1995)**

A person is guilty of abandonment of a minor when, as a parent, guardian or other person legally charged with the care or custody of a minor, he deserts the minor in any place under circumstances endangering his life or health with intent to abandon him. Abandonment of a minor is a Class D felony.

Ky. Rev. Stat. Ann. § 508.090 (Banks-Baldwin 1995)

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.

Ky. Rev. Stat. Ann. § 508.100 (Banks-Baldwin 1995)

A person is guilty of criminal abuse in the first degree when he intentionally abuses another person or permits another person of whom he has actual custody to be abused and thereby causes serious physical injury; or places him in a situation that may cause him serious physical injury; or causes torture, cruel confinement or cruel punishment; to a person 12 years of age or less. Criminal abuse in the first degree is a class C felony.

Ky. Rev. Stat. Ann. § 508.110 (Banks-Baldwin 1995)

A person is guilty of criminal abuse in the second degree when he wantonly abuses another person or permits another person of whom he has actual custody to be abused and thereby causes serious physical injury; or places him in a situation that may cause him serious physical injury; or causes torture, cruel confinement or cruel punishment; to a person 12 years or less. Criminal abuse in the second degree is a class D felony.

Ky. Rev. Stat. Ann. § 508.120 (Banks-Baldwin 1995)

A person is guilty of criminal abuse in the third degree when he recklessly abuses another person or permits another person of whom he has actual custody to be abused and thereby causes serious physical injury; or places him in a situation that may cause him serious physical injury; or causes torture, cruel confinement or cruel punishment; to a person 12 years of age or less. Criminal abuse in the third degree is a class A misdemeanor.

LOUISIANA**La. Rev. Stat. Ann. § 14:79.1 (West Supp. 2000)**

Criminal abandonment is the intentional physical abandonment of a minor child under the age of ten years by the child's parent or legal guardian by leaving the minor child unattended and to his own care when the evidence demonstrates that the child's parent or legal guardian did not intend to return the minor child or provide for adult supervision of the minor child. Whoever commits the crime of criminal abandonment shall be fined not more than \$1000 or be imprisoned for not more than one year, or both.

La. Rev. Stat. Ann. § 14:93 (West 1986 & Supp. 1999)

Cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect, by anyone over the age of 17, of any child under the age of 17 whereby unjustifiable pain or suffering is caused to said child. Lack of knowledge of the child's age shall not be a defense. Whoever commits the crime of cruelty to juveniles shall be fined not more than \$1,000 or be imprisoned with or without hard labor for not more than ten years, or both.

La. Rev. Stat. Ann. § 14:93.2.1 (West Supp. 2000)

Child desertion is the intentional or criminally negligent exposure of a child under the age of ten years, by a person who has the care, custody, or control of the child, to a hazard or danger against which the child cannot reasonably be expected to protect himself, or the desertion or abandonment of such child, knowing or having reason to believe that the child could be exposed to such hazard or danger. Whoever commits the crime of child desertion shall be fined not more than \$500 or be imprisoned for not more than six months, or both.

MAINE**Me. Rev. Stat. Ann. tit. 17-A, § 553 (West 1983 & Supp. 1999)**

A person is guilty of abandonment of a child if, being a parent, guardian or other person legally charged with the long-term care and custody of a child under the age of 14, or a person to whom such care and custody has been expressly delegated, he leaves the child in any place with the intent to abandon him. Abandonment of a child is a Class D crime, except that abandonment of a child is a Class C crime if the child is under the age of 6.

Me. Rev. Stat. Ann. tit. 17-A, § 554 (West 1983 & Supp. 1999)

A person is guilty of endangering the welfare of a child if that person, being the parent, foster parent, guardian or other person having the care and custody of the child, cruelly treats that child by abuse, neglect or extreme punishment; or recklessly endangers the health, safety or welfare of a child under 16 years of age by violating a duty of care or protection.

MASSACHUSETTS**Mass. Gen. Laws Ann. ch. 119, § 39 (West 1994)**

Whoever abandons an infant under the age of ten within or without any building, or, being its parent, or being under a legal duty to care for it, and having made a contract for its board or maintenance, absconds or fails to perform such contract, and for four weeks after such absconding or breach of his contract, if of sufficient physical and mental ability, neglects to visit or remove such infant or notify the department of his inability to support such infant, shall be punished by imprisonment in jail or house of correction for not more than two years; or, if the infant dies by reason of such abandonment, by imprisonment in a jail or house of correction for not more than two and one half years or in the state prison for not more than five years.

MINNESOTA**Minn. Stat. Ann. § 609.378 (West Supp. 2000)**

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 person 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.

A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child.

A parent, legal guardian, or caretaker who endangers the child's person or health by intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death; or knowingly causing or permitting the child to be present where any person is selling or possessing a controlled substance is guilty of child endangerment.

A person who intentionally or recklessly causes a child under 14 years of age to be placed in a situation likely to substantially harm the child's physical health or cause the child's death as a result of the child's access to a loaded firearm is guilty of child endangerment.

MISSISSIPPI**Miss. Code Ann. § 97-5-1 (1994)**

If the father or mother of any child under the age of six years, or any other person having the lawful custody of such child, or to whom such child shall have been confided, shall expose such child in any highway, street, field, house, outhouse, or elsewhere, with intent wholly to abandon it, such person shall, upon conviction be punished by imprisonment in the penitentiary not more than seven years, or in the county jail not more than one year.

Miss. Code Ann. § 97-5-39 (1994)

Any parent, guardian, or other person who willfully commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse and/or battering of any child shall be guilty of a misdemeanor.

Miss. Code Ann. § 97-5-40 (1994)

Any parent, guardian, custodian, stepparent or any other person who lives in the household with a child, who knowingly condones an incident of felonious child abuse of that child or felonious sexual battery of that child shall be guilty of a misdemeanor. A person shall not be considered to have condoned child abuse merely because such person does not report an act of child abuse. The provisions of this section shall be in addition to any other criminal law.

MISSOURI**Mo. Rev. Stat. § 568.030 (Supp. 1999)**

A person commits the crime of abandonment of a child in the first degree if, as a parent, guardian or other person legally charged with the care or custody of a child less than eight years old, he leaves the child in any place with purpose wholly to abandon it, under circumstances which are likely to result in serious physical injury or death. Abandonment of a child in the first degree is a class B felony.

Mo. Rev. Stat. § 568.045 (Supp. 1999)

A person commits the crime of endangering the welfare of a child in the first degree if the person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than 17 years old; the person knowingly engages in sexual conduct with a person under the age of 17 years over whom he is a parent, guardian, or otherwise charged with the care and custody; the person knowingly encourages, aids or causes a child less than seventeen years of age to engage in conduct which violates the provisions of this chapter. Endangering the welfare of a child in the first degree is a class D felony unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class C felony.

Mo. Rev. Stat. § 568.050 (Supp. 1999)

A person commits the crime of endangering the welfare of a child in the second degree if he with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than 17 years old. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

MONTANA**Mont. Code Ann. § 45-5-622 (1999)**

A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if he knowingly endangers the child's welfare by violating a duty of care, protection, or support.

On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

NEBRASKA**Neb. Rev. Stat. § 28-705 (1995)**

Any person who abandons and neglects or refuses to maintain or provide for his or her spouse or his or her child or dependent stepchild, whether such child is born in or out of wedlock, commits abandonment of spouse, child, or dependent stepchild. For the purposes of this section, child shall mean an individual under the age of 16 years. Abandonment of spouse, child or dependent stepchild is a class I misdemeanor.

Neb. Rev. Stat. § 28-707 (Supp. 1999)

A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be placed in a situation that endangers his or her life or physical or mental health; or cruelly confined or cruelly punished; or deprived of necessary food, clothing, shelter, or care; or placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or placed in a situation to be sexually abused. Child abuse is a class I misdemeanor if the offense is committed negligently. Child abuse is a class IIIA felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury. Child abuse is a class III felony if the offense is committed knowingly and intentionally and results in serious bodily injury. Child abuse is a class IB felony if the offense is committed knowingly and intentionally and results in the death of such child.

NEVADA**Nev. Rev. Stat. Ann. § 200.508 (Supp. 1999)**

Any 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 a result of abuse or neglect; or 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 is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for an act or omission which brings about the abuse, neglect or danger.

A person who violates any provision of this section if substantial bodily or mental harm results to the child, 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 two years and a maximum term of not more than 20 years.

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, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

Allow means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

Permit means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

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.

Nev. Rev. Stat. Ann. § 432B.140 (1997)

Negligent treatment or maltreatment of a child occurs if a child has been abandoned, is without proper care, control and supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for his welfare or his neglect or refusal to provide them with able to do so.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. § 639:3 (1996)

A person is guilty of endangering the welfare of a child if he knowingly endangers the welfare of a child under 18 years of age or by purposely violating a duty of care, protection or support he owes to such child by inducing such child to engage in conduct that endangers his health or safety. Endangering the welfare of a child is a misdemeanor.

NEW JERSEY

N.J. Stat. Ann. § 2C:24-4 (West Supp. 1999)

Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who causes the child harm that would make the child an abused or neglected child as defined in section 9:6-1, 9:6-3 and 9:6-8.21 is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 16 is guilty of a crime of the third degree. As used in this subsection child shall mean any person under 16 years of age.

N.J. Stat. Ann. § 9:6-1 (West Supp. 1998)

Abuse of a child shall consist in any of the following acts: disposing of the custody of a child contrary to law; permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; or in an institution, willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

Abandonment of a child shall consist in any of the following acts by anyone having the custody or control of the child: willfully forsaking a child; failing to care for and keep the control and custody of a child so that the child shall be exposed to physical or moral risk without proper and sufficient protection; or failing to care for and keep the control and custody of a child so that the child shall be liable to be supported and maintained at the expense of the public, or by child caring societies or private persons not legally chargeable with its or their care, custody and control.

Cruelty to a child shall consist in any of the following acts: 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; 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.

Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child: willfully failing to provide proper care and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home; or failure to do or permit to be done any act necessary for the child's physical or moral well-being.

Neglect also means the continued inappropriate placement of a child in an institution with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

N.J. Stat. Ann. § 9:6-3 (West 1993)

Any parent, guardian or person having the care, custody or control of any child, who shall abuse, abandon, be cruel to or neglectful of such child, or any person who shall abuse, be cruel to or neglectful of any child shall be deemed to be guilty of a crime of the fourth degree.

N.J. Stat. Ann. § 9:6-8.21 (West Supp. 1999)

Abused or neglected child means a child less than 18 years of age whose parent or guardian:

- 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;
- Creates or allows to be created a substantial or ongoing 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 loss or impairment of the function of any bodily organ;
- Commits or allows to be committed an act of sexual abuse against the child;
- 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, 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;
- Or a child who has been willfully abandoned by his parent or guardian, as herein defined;
- 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;
- 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.

NEW MEXICO**N.M. Stat. Ann. § 30-6-1 (Michie Supp. 1999)**

Child means a person who is less than 18 years of age; neglect means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and negligently refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.

Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. Whoever commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in death or great bodily harm, in which case he is guilty of a second degree felony.

Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be placed in a situation that may endanger the child's life or health; tortured, cruelly confined or cruelly punished; or exposed to the inclemency of the weather. Whoever commits abuse of a child which does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for a second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm or death to the child, he is guilty of a first degree felony.

Whoever commits abuse of a child which does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm or death of a child, he is guilty of a first degree felony.

NEW YORK**N.Y. Penal Law § 260.00 (McKinney 2000)**

A person is guilty of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child less than 14 years old, he deserts such child in any place with intent to wholly abandon it. Abandonment of a child is a class E felony.

N.Y. Penal Law § 260.10 (McKinney 2000)

A person is guilty of endangering the welfare of a child when he knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his life or health; or being a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old, he fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming an abused child or a neglected child. Endangering the welfare of a child is a class A misdemeanor.

NORTH CAROLINA**N.C. Gen. Stat. § 14-316.1 (1999)**

Any person who is at least 16 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected shall be guilty of a class 1 misdemeanor.

It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication that any juvenile is delinquent, undisciplined, abused or neglected in order to prosecute a parent or any person, including an employee of the Office of Juvenile Justice under this section. An adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person including an employee of the Office of Juvenile Justice who contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile.

N.C. Gen. Stat. § 14-318.2 (1999)

Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts, or allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the misdemeanor of child abuse.

NORTH DAKOTA**N.D. Cent. Code § 14-09-22 (Supp. 1999)**

A parent, guardian, or other custodian of any child who willfully commits any of the following offenses is guilty of a class C felony: fails to provide 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.

OHIO**Ohio Rev. Code Ann. § 2919.21 (1999)**

No person shall abandon, or fail to provide adequate support to: the person's child who is under age eighteen, or mentally or physically handicapped child who is under age twenty-one.

Ohio Rev. Code Ann. § 2919.22 (1999)

No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. Whoever violates this section is guilty of endangering children.

OKLAHOMA**Okla. Stat. Ann. tit. 10, § 7102 (West Supp. 2000)**

Abuse means harm or threatened harm to a child's health or safety by a person responsible for the child's health or safety including sexual abuse and sexual exploitation.

Neglect means failure or omission to provide: adequate food clothing, shelter, medical care, and supervision; or special care made necessary by the physical or mental condition of the child.

Harm or threatened harm to a child's health or safety includes but is not limited to nonaccidental physical or mental injury; sexual abuse, sexual exploitation, neglect, or failure or omission to provide protection from harm or threatened harm.

Child means a person under the age of 18 years.

Person responsible for a child's health or safety includes a parent; a legal guardian; custodian; a foster parent; a person 18 years of age or older with whom the child's parent co-habits or any other adult residing in the home of the child; an agent or employee of a public or private residential home, institution or facility; or an owner, operator, or employee of a child care facility.

Okla. Stat. Ann. tit. 10, § 7115 (West Supp. 2000)

Any parent or other person who shall willfully or maliciously engage in child abuse or neglect or who shall otherwise willfully or maliciously injure, torture, maim, use unreasonable force upon a child under the age of 18, or sexually abuse, sexually exploit or otherwise abuse or neglect such child, or who shall willfully or maliciously cause, procure or permit any of said acts to be done, shall upon conviction be guilty of a felony and punished by imprisonment in the State Penitentiary not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one year, or by a fine of not less than \$500.00 nor more than \$5,000.00, or both such fine and imprisonment.

Okla. Stat. Ann. tit. 21, § 843.1 (West Supp. 2000)

No caretaker shall willfully abuse, neglect, commit sexual abuse, or exploit any person entrusted in the care of the caretaker, or shall cause, secure, or permit any of said acts to be done. Any person convicted of violating the provisions of this section shall be guilty of a felony.

Okla. Stat. Ann. tit. 21, § 851 (West Supp. 2000)

Any parent of any child or children under the age of ten years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within the state of Oklahoma, or takes such child or children without the state of Oklahoma, with the intent wholly to abandon it, shall be deemed guilty of a felony.

Okla. Stat. Ann. tit. 21, § 852 (West Supp. 2000)

Unless otherwise provided for by law, any parent, guardian, or person having custody or control over a child who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, monetary child support, medical attendance, payment of court-ordered day care, or payment of court-ordered medical insurance costs for such child which is imposed by law, upon conviction, is guilty of a misdemeanor.

The duty to furnish medical attendance shall mean that the parent or person having custody or control of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint which the child may be afflicted.

Any person who leaves the state to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child, upon conviction, shall be guilty of a felony. The fine for a violation of this subsection shall not be more than \$5,000.

It is the duty of any parent having legal custody of a child who is an alcohol-dependent or a drug-dependent person to provide for the treatment of such child. Any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person who without having made a reasonable effort fails or willfully omits to provide for the treatment of such child shall be guilty of a misdemeanor. For the purposes of this subsection, the duty to provide for such treatment shall mean that the parent having legal custody of a child must provide for the treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide.

Okla. Stat. Ann. tit. 21, § 852.1 (West Supp. 2000)

A person who is the parent, guardian, or person having custody or control over a child commits child endangerment when the person knowingly permits physical or sexual abuse of a child. Any person convicted of violating any provision of this section shall be guilty of a felony.

OREGON

Or. Rev. Stat. § 163.205 (Supp. 1998)

A person commits the crime of criminal mistreatment in the first degree if the person, in violation of a legal duty to provide care for another person, or having assumed the permanent or temporary care, custody or responsibility for the supervision of another person, intentionally or knowingly withholds necessary and adequate food, physical care or medical attention from that other person; or the person, in violation of a legal duty to provide care for a dependent person or elderly person, or having assumed the permanent or temporary care, custody or responsibility for the supervision of a dependent person or elderly person, intentionally or knowingly deserts the dependent person or elderly person in a place with the intent to abandon that person or leaves the dependent person or elderly person unattended at a place for such a period of time as may be likely to endanger the health or welfare of that person. Criminal mistreatment in the first degree is a Class C felony.

As used in this section dependent person means a person who because of either age or a physical or mental disability is dependent upon another to provide for the person's physical needs.

Or. Rev. Stat. § 163.545 (Supp. 1998)

A person having custody or control of a child under 10 years of age commits the crime of child neglect in the second degree if, with criminal negligence, the person leaves the child unattended in or at any place for such a period of time as may be likely to endanger the health or welfare of such child. Child neglect in the second degree is a class A misdemeanor.

PENNSYLVANIA**18 Pa. Cons. Stat. Ann. § 4304 (West Supp. 2000)**

A parent, guardian, or other person supervising the welfare of a child under 18 years of age commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support. An offense under this section constitutes a misdemeanor of the first degree. However, where there is a course of conduct of endangering the welfare of a child, the offense constitutes a felony of the third degree.

RHODE ISLAND**R.I. Gen. Laws. § 11-9-5 (Supp. 1999)**

Every person having the custody or control of any child under the age of 18 years who shall abandon that child or who shall treat such child with gross or habitual cruelty, or who shall wrongfully cause or permit that child to be an habitual sufferer for want of food, clothing, proper care or oversight, or who shall use or permit the use of that child for any wanton, cruel, or improper purpose, or who shall compel, cause or permit that child to do any wanton or wrongful act, or who shall cause or permit the home of that child to be the resort of lewd, drunken, wanton or dissolute persons, or who by reason of neglect, cruelty, drunkenness or depravity, shall render the home of that child a place in which it is unfit for that child to live, or who shall neglect or refuse to pay the reasonable charges for the support of that child, whenever the child shall be placed by him or her in the custody of, or be assigned by any court to, any individual, association or corporation, shall be guilty of a felony, and shall for every such offense be imprisoned for not less than one year nor more than three years, or be fined not exceeding \$1,000, or both and such child may be proceeded against as a neglected child under the provisions of chapter one of title 14. In addition to any penalty provided herein, any person convicted or placed on probation for such offense may be required to receive psychosociological counseling in child growth, care and development as a part of that sentence or probation.

SOUTH CAROLINA**S.C. Code Ann. § 20-7-50 (West Supp. 1999)**

It is unlawful for a person who has charge or legal custody of a child, who is the parent or guardian of a child, or who is responsible for the care and support of a child to: (1) place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so the life or health of the child is endangered or likely to be endangered; or (3) willfully abandon the child. A person who violates this section is guilty of a felony and for each offense, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

S.C. Code Ann. § 20-7-70 (West Supp. 1999)

Whoever cruelly ill-treats, deprives of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon a child or causes the same to be done, whether the person is the parent or guardian or has charge or custody of the child, for every offense, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than 30 days or fined not more than \$200.00, at the discretion of the magistrate.

SOUTH DAKOTA**S.D. Codified Laws § 26-9-1 (Michie 1998)**

Any person who, by any act, causes, encourages or contributes to the abuse, the neglect or the delinquency of a child, or any person, other than a parent who, by any act, causes a child to become a child in need of supervision, or who is, in any manner, responsible therefor, is guilty of a Class 1 misdemeanor.

S.D. Codified Laws § 26-9-6 (Michie 1998)

In order to find any person guilty of violating this chapter, it is not necessary to prove that the child has actually become abused, neglected or delinquent, provided it appears from the evidence that through any act of abuse, neglect or omission of duty or by any improper act or conduct on the part of any such person the abuse, neglect or delinquency of any child may have been caused or merely encouraged.

TENNESSEE**Tenn. Code Ann. § 39-15-401 (Supp. 1999)**

Any person who knowingly, other than by accidental means, treats a child under 18 years of age in such a manner as to inflict injury or neglects such a child so as to adversely affect the child's health and welfare is guilty of a class A misdemeanor; provided, that if the abused or neglected child is six years of age or less, the penalty is a Class D felony.

Tenn. Code Ann. § 39-15-402 (Supp. 1999)

A person is guilty of the offense of aggravated child abuse or aggravated child neglect who commits the offense of child abuse or aggravated child neglect and the act of abuse results in serious bodily injury to the child, or a deadly weapon is used to accomplish the act of abuse. A violation of this section is a class B felony; provided, that, if the abused or neglected child is six years of age or less, the penalty is a Class A felony.

TEXAS**Tex. Penal Code Ann. § 22.04 (West Supp. 2000)**

A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child serious bodily injury; serious mental deficiency, impairment, or injury; or bodily injury. An omission that causes a condition described above is conduct constituting an offense under this section if the actor has a legal or statutory duty to act; or the actor has assumed care, custody, or control of a child.

In this section child means a person 14 years of age or younger.

The actor has assumed care, custody, or control if he has by act, words, or course of conduct acted so as to cause a reasonable person to conclude that he has accepted responsibility for protection, food, shelter, and medical care for a child, elderly individual, or disabled individual.

Texas Penal Code Ann. § 22.041 (West Supp. 2000)

Abandon means to leave a child in any place without providing reasonable and necessary care for the child, under circumstances under which no reasonable, similarly situated adult would leave a child of that age and ability.

A person commits an offense if, having custody, care, or control of a child younger than 15 years, he intentionally abandons the child in any place under circumstances that expose the child to an unreasonable risk of harm. A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment.

Tex. Penal Code Ann. § 22.10 (West 1994)

A person commits an offense if he intentionally or knowingly leaves a child in a motor vehicle for longer than five minutes, knowing that the child is: younger than seven years of age; and not attended by an individual in the vehicle who is 14 years of age or older. An offense under this section is a class C misdemeanor.

UTAH**Utah Code Ann. § 76-5-110 (Supp. 1999)**

Any caretaker who abuses or neglects a disabled child is guilty of a third degree felony.

Neglect means a failure by a caretaker to provide care, nutrition, clothing, shelter, supervision, or medical care.

VERMONT**Vt. Stat. Ann. tit. 13, § 1303 (1998)**

A person who abandons or exposes a child under the age of two years, whereby the life or health of such child is endangered, shall be imprisoned not more than ten years or fined not more than \$1,000 or both.

Vt. Stat. Ann. tit. 13, § 1304 (1998)

A person over the age of 16 years, having the custody, charge or care of a child under ten years of age, who willfully assaults, neglects, ill treats or abandons or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner to cause such child unnecessary suffering, or to endanger his health, shall be imprisoned not more than two years or fined not more than \$500, or both.

Vt. Stat. Ann. tit. 13, § 1305 (1998)

A person having the custody, charge, care or control of another person who inflicts unnecessary cruelty upon such person, or unnecessarily and cruelly fails to provide such person with proper food, drink, shelter or protection from the weather, or unnecessarily and cruelly neglects to properly care for such person, shall be imprisoned not more than one year or fined not more than \$200, or both.

VIRGINIA**Va. Code Ann. § 18.2-371.1 (Michie 1996)**

Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child shall be guilty of a class 4 felony. For purposes of this subsection, serious injury shall include but not be limited to disfigurement, a fracture, a severe burn or laceration, mutilation, maiming, forced ingestion of dangerous substances, or life-threatening internal injuries.

Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton and culpable as to show a reckless disregard for human life shall be guilty of a class 6 felony.

Va. Code Ann. § 40.1-103 (1998)

It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section shall be guilty of a class 6 felony.

WASHINGTON**Wash. Rev. Code Ann. § 9A.42.020 (West Supp. 1999)**

A parent of a child or the person entrusted with the physical custody of a child or a person employed to provide the child the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she recklessly causes great bodily harm to a child by withholding any of the basic necessities of life. Criminal mistreatment in the first degree is a class B felony.

Wash. Rev. Code Ann. § 9A.42.030 (West Supp. 1999)

A parent of a child or the person entrusted with the physical custody of a child or a person employed to provide the child the basic necessities of life is guilty of criminal mistreatment in the second degree if he or she recklessly either (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life. Criminal mistreatment in the second degree is a class C felony.

WEST VIRGINIA**W. Va. Code § 61-8D-4 (1997)**

If any parent, guardian or custodian shall neglect a child and by such neglect cause said child bodily injury, then such parent, guardian or custodian shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or committed to the custody of the division of corrections for not less than one year nor more than three years, or in the discretion of the court, be confined in the county jail for not more than one year, or both such fine and confinement or imprisonment.

If any parent, guardian or custodian shall neglect a child and by such neglect cause said child serious bodily injury, then such parent, guardian or custodian shall be guilty of a felony, and upon conviction thereof, shall be fined not less than three hundred nor more than three thousand dollars or committed to the custody of the division of corrections for not less than one nor more than ten years, or both such fine and imprisonment.

The provisions of this section shall not apply if the neglect by the parent, guardian or custodian is due primarily to lack of financial means on the part of such parent, guardian or custodian.

W. Va. Code § 61-8D-4a (1997)

If any parent, guardian or custodian shall neglect a child under his or her care, custody or control and by such neglect cause the death of said child, the such parent, guardian, or custodian shall be guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or committed to the custody of the division of corrections for not less than three nor more than 15 years, or both such fine and imprisonment. A child whose parent, guardian or legal custodian has inhibited or interfered with the provision of medical treatment in accordance with a court order may be considered to have been neglected for the purposes of this section.

WISCONSIN

Wis. Stat. § 948.03 (West 1996)

A person responsible for the child's welfare is guilty of a class C felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused great bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of great bodily harm by the other person or facilitates the great bodily harm to the child that is caused by the other person.

A person responsible for the child's welfare is guilty of a class D felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of bodily harm by the other person or facilitates the bodily harm to the child that is caused by the other person.

Wis. Stat. § 948.20 (West 1996)

Whoever, with intent to abandon the child, leaves any child in a place where the child may suffer because of neglect is guilty of a class D felony.

Wis. Stat. § 948.21 (West 1996)

Any person who is responsible for a child's welfare who, through his or her actions or failure to take action, intentionally contributes to the neglect of the child is guilty of a class A misdemeanor or, if death is a consequence, a class C felony.

A person responsible for the child's welfare contributes to the neglect of the child although the child does not actually become neglected if the natural and probable consequences of the person's actions or failure to take action would be to cause the child to become neglected.

WYOMING

Wyo. Stat. Ann. § 6-4-403 (Supp. 1999)

No parent, guardian or custodian of a child shall abandon the child without just cause; or knowingly or with criminal negligence cause, permit or contribute to the endangering of the child's life or health by violating a duty of care, protection or support.

No person shall knowingly cause, encourage, aid or contribute to the endangering of a child's health, welfare or morals, by using, employing or permitting a child in any business enterprise which is injurious or dangerous to the health, morals, life or physical safety of the child.

As used in this section, child means a person under the age of 16 years.

Wyo. Stat. Ann. § 14-3-202 (Michie 1997)

Neglect with respect to a child means failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education or medical, surgical or any other care necessary for the child's well being. Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone.