

Definitions of Child Abuse and Neglect

Child abuse and neglect are defined both by federal and state laws.

The Federal Child Abuse Prevention and Treatment Act (P.L. 93-247) also known as CAPTA defines child abuse* and sexual abuse.

CAPTA specifically defines sexual abuse as:

- “The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.”

***Child abuse and neglect are defined by CAPTA as:**

- Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or
- An act or failure to act which presents an imminent risk of serious harm.

States

Individual states are required to provide their own definitions of child abuse and neglect. States may expand upon the CAPTA definition, but must include its standard as a minimum. Four types of maltreatment are recognized by most states:

1. Physical abuse
2. Neglect
3. Sexual abuse
4. Emotional abuse

The Texas Family Code defines sexual abuse as:

- Sexual conduct harmful to a child’s mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child.
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child.
- Compelling or encouraging the child to engage in sexual conduct.
- Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined in the Texas penal code) or pornographic.



References:

The following website provides links to individual state statutes: <http://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

This handout was adapted in part from the Child Welfare Information Gateway (<http://www.childwelfare.gov/pubs/factsheets/whatiscan.cfm>).

