Child Neglect Laws in America

Sanford N Katz, Boston College Law School
Ruth-Arlene Howe
Melba McGrath

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SANFORD N. KATZ†
RUTH-ARLENE W. HOWE**
MELBA MCGRATH††

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†Professor of Law, Boston College Law School.
**Research Associate, Boston College Law School; Special Instructor in Social Policy, Simmons College School of Social Work.
††Research Associate, Boston College Law School.
Part I: Introduction

When the shocking reality of child abuse and neglect occurring in every stratum of American society was documented during the decade of the 1960s, it aroused wide public and private concern. In spite of some fear that the involvement would be merely another cyclical outburst, the concern has persisted into the 70s. Abuse and neglect has been identified as the most important problem in child welfare and as a major cause for placement of children in foster care; and The Child Abuse Prevention and Treatment Act, enacted in January of 1974, committed the federal government to the establishment of a National Center of Child Abuse and Neglect.

The maltreatment of children is as old as recorded history. Infanticide, ritual sacrifice, exposure, mutilation, abandonment, brutal discipline and the near slavery of child labor have existed in all cultures at different periods, and have been justified by disparate beliefs—that they were necessary to placate a god, to expel spirits, to maintain the stability of a race or simply to inculcate learning. Practices viewed today as victimizing children were accepted for long periods in civilized communities as “in the best interest” of society. The Spartans with their exposure of infants, the English and New England owners of factories partly “manned” by children of eight or ten, the Southern slave owners, were all convinced that their treatment of children was beneficial to the community and perhaps to the children themselves.


5. The center is to be established by the Secretary of the Department of Health, Education and Welfare. It will: “(1) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect; (2) develop and maintain an information clearing house. . . . (3) compile and publish training materials for personnel . . . engaged . . . in the prevention, identification and treatment of child abuse and neglect; (4) provide technical assistance. . . . to public and non-profit private agencies and organizations. . . . (5) conduct research into the causes of child abuse and neglect and into the prevention, identification and treatment thereof; and (6) make a complete and full study and investigation of the national incidence of child abuse and neglect . . .” (Pub. L. No. 93-247, § 2(b) (Jan. 31, 1974). The act further authorized, in § 5, the appropriation of a total of $85,000,000 for the fiscal years 1974 through June 30, 1977.

6. See Radbill, supra, note 2 at 3; Thomas supra, note 1, 293, 294-99.
Our views today are enlightened; American culture is apparently child-centered; lip service is paid to the rights of children. And yet our society is constantly generating neglected and abused children. The realization is now growing that parents and community share responsibility for the welfare of all children, and that community neglect of certain social conditions results in damaged children—through malnutrition and hunger, for instance—and inhibits or vitiates physical and psychological development. A considerable literature is addressing the problem of community, as well as parental neglect and abuse.

Historically the law has been concerned with the "battered" or "abused" child in both criminal and civil contexts. Child abuse—the intentional, non-accidental use of physical force that results in physical injury serious enough to endanger the health or life of the child—is universally proscribed by local state law and defined and punished as a crime. In civil law, court intervention on behalf of the child abused is justified under the doctrine of parens patriae.

Although most statutory language refers only to physical harm, a recent change in Arizona broadened the definition of abuse to include emotional and mental health, and is illustrative of a growing minority of states action.

Abuse means the infliction of physical or mental injury or the causing of deterioration of a child and shall include failing to maintain reasonable care and treatment or exploiting or overworking a child to such an extent that his health, morals or emotional well-being is endangered. Ariz. Rev. Stat. 8-546.A.2

"Neglect" is an uncertain concept both legally and in social application. Its most obvious definition is a chronic failure by adults to protect children from obvious physical danger. Since standards are available for determining when malnutrition, disease, lack of clothing, shelter, or inadequate supervision endanger a child’s life or health, the statutory definition of neglect has long been in physical rather than psychological terms. But the concept of "neglect"...
Part I: Introduction

can also include the failure to ensure the positive social and psychological development of the child under this definition. Parental neglect would be found in families where there is evidence of persistently inadequate child care by the adult caretaker and where the adult’s behavior and attitudes offer little likelihood of improved care without outside intervention. And community neglect would occur where there is evidence of persistently inadequate community resources for child care and where the behavior and attitudes of community authorities offer little likelihood of improved resources without outside intervention.¹⁵

The comments of the New York Joint Legislative Committee concerning the New York Family Court Act of 1962 highlight the struggle to develop consensus on an appropriate standard against which to measure parental conduct:

All interested persons agreed that parents neglect their children (in a legal sense) when they fail adequately to supply them with food, clothing, shelter, education, or medical or surgical care, ‘though financially able to do so’ . . . . The Committee found, however, that interested persons disagreed over the extent to which children whose parents supply the physical needs of life may nevertheless be adjudicated as ‘neglected children’. Some say when a child suffers from ‘improper supervision’, others, when he suffers from ‘a parental pattern of not satisfying his emotional needs’; still others, whenever there is a parental pattern of not properly caring for the child.

Broadly speaking then, child neglect occurs when the dominant expectations for parenthood are not met—when a parent fails to provide for a child’s needs according to the preferred values of the community.¹⁷ The legal concept of neglect calls for consideration of rights and corresponding duties as they arise within the tripartite interaction between child, family and the state. The basic goal of any neglect statute is to prevent harm—physical always, sometimes also psychological and social—from occurring to children. Determination of legal neglect is not merely, however, a question of medical or even psychiatric judgment, but is essentially a social policy issue. Primarily, neglect denotes conduct in conflict with the childrearing standards of the dominant culture,¹⁸ and determination of neglect is based on social as well as legal judgments.¹⁹

The traditional legal adversary system assumes that the only way to judicial truth is through competing lawyers who each advance his own client’s cause with the judge as referee. It is questionable whether such a system can effectively result “in the best interests” of the child if there is no independent counsel for the child. It may be also that, more than merely requiring the appointment of a guardian ad litem for an alleged neglected child, the present procedures must include input from other disciplines for the final decision-making. Neglect proceedings require a concerned and compassionate justice which has utilized the findings of social behaviorists and psychiatrists.²⁰

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¹⁵ Lewis, supra, note 8 at 114.
¹⁶ As quoted in Thomas, supra, note 1 at 343-44.
¹⁷ S. Katz, When Parents Fail. 22 (1971).
¹⁸ Katz, id; Cheney, supra. note 13 at 80.
²⁰ Delaney, supra, note 10 at 193.
Study Methodology

This study surveys the child neglect statutes of the fifty states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands, as amended through August 31, 1974. The statutes were examined to identify:

1. The stated statutory purpose.
2. The definition of "neglect" or "neglected child" or similar terms.
3. The grounds justifying judicial intervention into the privacy of the family and the parent-child relationship.
4. The procedural requirements for a neglect hearing.
5. The possible dispositional orders following a neglect hearing.
6. The possible penalties for parents judged "unfit."
7. Whether "neglect" was reportable under a child abuse reporting statute.

The procedural sections on neglect hearings in each jurisdiction's statutes were evaluated to determine:

1. What constitutional rights are guaranteed to parents and to children.
2. What evidentiary burden of proof standard the court is mandated to apply in making a finding of "neglect" or "parental unfitness."
3. Whether termination of the parent-child relationship is a possible order following an adjudication of neglect, or whether a separate specific termination proceeding is required.

The results of this survey are presented in four sections. In Part I, the Introduction, is an overall view of the research. In Part II there are ten tables, a Master Chart and nine other tables amplifying it. Part III contains a narrative analysis of the tables, with illustrations of the typical treatment of each basic component, and identification of especially interesting or unusual statutory treatment and trends. Part IV is a state-by-state digest of how each basic component is handled by each jurisdiction.

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Ten Tables*

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* Guam, Puerto Rico and the Virgin Islands appear at the end of each table, instead of in alphabetic order.
**TABLE I:**  
Master Chart—Part A  

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*See Digests of Jurisdictions (Part IV) for specific language*
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*See Digests of Jurisdictions (Part IV) for specific language.
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<td>D Moral unfitness of parent</td>
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<td>E Mental or physical incapacity of the parent</td>
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<td>F Parental refusal or inability to provide necessary medical, surgical or other special care due to the child’s particular condition</td>
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<td>H Placing a child up for adoption in violation of the law</td>
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<td>K Permits the child to engage in dangerous or immoral occupation in violation of child labor laws</td>
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*See Digests of Jurisdictions (Part IV) for specific language.
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*See Digests of Jurisdictions (Part IV) for specific language. Unless otherwise noted, 18 is to be read as "less than 18"*
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<th>D Trial by jury</th>
<th>E Separate from adult proceedings</th>
<th>F1 Informal</th>
<th>F2 Discretionary rules in general</th>
<th>F3 Judge may appoint master or referee</th>
<th>F4 Judge may appoint counsel</th>
<th>F5 Judge may appoint guardian ad litem</th>
<th>F6 Child’s presence may be waived</th>
<th>G Record of proceedings required</th>
<th>H Open or closed to the public</th>
<th>I Rules regarding evidence</th>
<th>J Records confidential, or open only upon court order</th>
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* See Digests of Jurisdictions (Part IV) for specific language.
**TABLE VII:**
Orders and Dispositions

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<th>Dismissal</th>
<th>A Via informal adjustment, prior to filing</th>
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<td>B After adjudicatory hearing, if not proved</td>
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**Temporary Orders**

| C For custody |
| D For protection |
| E For support |

**Protective Supervision**

| F In his own home |
| G In home of relative/other suitable person |
| H Upon conditions determined by the court |
| I Under auspices of agency (public or private) |

**Transfer of Legal Custody or Commitment**

| J To relative/other suitable person |
| K To public agency, institution or department |
| L To private agency, approved/licensed by state |

| M With a religious preference clause |

**Other**

| N Order examination of child |
| O Order treatment of child |
| P Order examination and/or treatment of parent |
| Q Order hospitalization of child |
| R Any other reasonable order in best interest of child and welfare and protection of the public |

**Length and Effect of Order**

<p>| S Indeterminate (R, with review) |
| T In care and under control of court until age of majority or during minority |
| U Until further order by the court |
| V For stated number of years; or until stated age is reached (R, with review) |
| W Makes child “ward” of the state or the court |
| X Modifiable |
| Y Special clause exempting imposition of disability |</p>
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<th>Dismissal</th>
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**TABLE VII: Orders and Dispositions—Continued**

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* See Digests of Jurisdictions (Part IV) for specific language.
TABLE VIII:
Reporting of Neglect

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Special Clauses
XR Spiritual healing
X Other
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* See Digests of Jurisdictions (Part IV) for specific language.
### TABLE IX:

Immunities and Privileges in Reporting Statutes

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TABLE IX: Immunities and Privileges in Reporting Statutes

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* See Digests of Jurisdictions (Part IV) for specific language.
# TABLE X:
Termination of Parental Rights

Legend

**Grounds**
- A Abandonment
- B Neglect
- C Nonsupport when able to support
- D Moral unfitness of parent
- E Mental or physical incapacity of the parent
- F Prison term
- G In the best interest of the child
- H Parental consent
- I Situation uncorrected after finding of neglect
- J Other

**Rights**
- A Notice
- B Hearing
- C Counsel
  - P—parent
  - C—child
  - X—both
- D Appeal
- E Guardian ad litem
- F Standard of proof (see TABLE VI, J)

**Dispositions**
- A Termination
- B Transfer legal custody
- C No termination, but court may make any other disposition provided under neglect section
- D Other

**Effect**
- A Final and conclusive
- B Applies to both parents
- C May apply to only one parent
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<td>New Mexico</td>
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* See Digests of Jurisdictions (Part IV) for specific language.
Part III:
Narrative Analysis
of Tables

TABLE I: Master Chart summarizes the treatment of the basic components that are found in child neglect laws: (A) statement of purpose; (B) definitions; (C) neglect hearings—rights of parties, procedures, orders and dispositions; (D) penalties for neglect; (E) reporting of neglect; (F) termination of parental rights: and (G) special clauses. These components are further elaborated upon in:

TABLE II: Elements of Purpose Clauses.
TABLE III: Definitions.
TABLE IV: Grounds for Determining Child Neglect.
TABLE V: Age of Child.
TABLE VI: Neglect Hearing.
TABLE VII: Orders and Dispositions.
TABLE VIII: Reporting of Neglect.
TABLE IX: Immunities and Privileges Under Reporting Statutes.
TABLE X: Termination of Parental Rights.

The following analysis will discuss each of the 7 basic components and identify the similarities and differences, the incidence of various elements, and the trends of recent amendments as revealed in the tables.

A. Statement of Purpose

The Master Chart shows whether a jurisdiction states a purpose in either its civil or criminal code. TABLE II—Elements of Purpose Clauses gives the last year of amendment; tells whether the clause is found in a civil or criminal neglect, reporting or termination section, and identifies the basic elements in each of the 78 clauses found among the 51 jurisdictions stating a purpose.

Frequency and Location of Clauses

All but three jurisdictions (Alabama, Texas, Puerto Rico) state a purpose, and almost half the jurisdictions (25), have more than one purpose clause. Eight states (Arizona, Arkansas, Florida, Kansas, Louisiana, Minnesota, Nevada, Oklahoma) have both civil and criminal clauses.

Among the 51 jurisdictions stating a purpose, there are 46 neglect purpose clauses—45 civil and 1 criminal; 26 reporting purpose clauses—19 civil and 7 criminal; and 5 civil termination purpose clauses. Of the 8 states having both a civil and a criminal clause, 7 have civil neglect and criminal reporting clauses.
Arizona has a criminal neglect clause and a civil termination purpose clause. Fifteen states employing two civil clauses are: California, Delaware, Idaho, Indiana, Iowa, Mississippi, Montana, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Washington, and West Virginia. New Hampshire and New Jersey each have three purpose clauses.

Recent Amendment
Purpose clauses have been the subject of much recent legislative activity. Since 1960, sixty-four clauses have been amended or enacted and 34 of the amendments or enactments date from as recently as the 1970s. Ten states: Arizona, Kansas, Louisiana, Minnesota, Missouri, New Jersey, Oregon, Virginia, Wisconsin and Wyoming, still have clauses which were last amended in the 1950s, five of these states have a second purpose clause of more recent enactment or amendment: Arizona (1970); Kansas (1972); Louisiana (1972); Minnesota (1969); and Oregon (1971). Four states (Arkansas, Indiana, Michigan, Mississippi) have clauses last amended in the mid-1940s.

Basic Elements in Purpose Clauses
TABLE II presents 17 possible elements (See Legend on page 17), 8 of which were found frequently: A, C, C₂, C₃, D, E₁, F₂, and H.

Element A—"liberally construed"—and element C₁—"to secure, guidance and/or custody and discipline"—appeared most frequently, each one 37 times. Element A occurred in 32 civil neglect clauses, in Arizona's criminal neglect clause, in 3 civil termination clauses and, in Idaho's combined civil neglect/reporting statute.

Element D—"preferably in his own home"—appeared 33 times in 32 civil neglect clauses and in Delaware's civil reporting clause. Element E₁—"to preserve and strengthen family ties whenever possible"—was present in 32 civil clauses. Element C₂—"to prevent harm and to protect"—appeared in 33 clauses—in all reporting statutes, except Florida's, in Arizona's criminal neglect law and in a few civil neglect or termination clauses.

Element H—"when removed to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given him by his parents" appeared in 29 clauses, all neglect statutes, except for Indiana's 1973 termination statute. Element C₃—"to provide protective services"—was written into 27 clauses, in 19 civil and criminal reporting statutes and in 8 civil neglect statutes. Element F₂—"to serve the welfare of the child and the best interests of the state"—was in 26 neglect clauses, all civil except for Arizona's criminal clause.

NEGLECT CLAUSES:
Minnesota's civil neglect purpose clause, enacted in 1959, is a prototype of the lengthier clauses. It contains 7 elements: A, C₁, D, E₁, F₂, G and H.

Subd. 2 . . . to secure for each minor . . . the care and guidance preferably in his own home, as will serve the spiritual, emotional, mental and physical welfare of the minor and the best interests of the state, to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only
when his welfare or safety-and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents ... shall be liberally construed to carry out these purposes.

**MINN. STAT. § 260.011.**

Eight other states (California, Colorado, Hawaii, Illinois, Mississippi Family Court Act, Rhode Island, South Carolina and Utah) have almost identical wording.

Another group of 11 clauses, similar to Minnesota's but shorter, are found in: Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi Youth Court Act, Missouri, Nevada, Oregon, Guam and the Virgin Islands. Elements E, and E, and G are omitted in all of these clauses, while Kansas omits element H and Georgia adds element C. Illustrative of these shorter clauses is Iowa's Section 232.1:

... shall be liberally construed to the end that each child coming within the jurisdiction of the ... court shall receive, preferably in his home, the care, guidance and control that will conduce to his welfare and the best interests of the state and that when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which he should have been given.

Louisiana, Michigan, Mississippi Family Court Act, Nevada, Guam and the Virgin Islands have identical clauses.

Three states (Georgia, Hawaii, Utah) include specific references to assisting either the family unit or the child to become law-abiding. Delaware has a unique clause that emphasizes "serving societal needs."

(a) In the firm belief that compliance with the law by the individual and preservation of the family as a unit are fundamental to the maintenance of a stable, democratic society, the general assembly intends by enactment of this chapter that one court shall have original statewide civil and criminal jurisdiction over family and child matters and offenses as set forth ... The court shall endeavor to provide for each person coming under its jurisdiction such control, care and treatment as will best serve the interests of the public, the family and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibility to the public and to one another.

**DEL CODE ANN. tit. 10 § 902**

REPORTING CLAUSES

The three elements commonly found in civil reporting clauses were C, C, and E. Ten jurisdictions (Alaska, Delaware, District of Columbia, Iowa, Montana, North Carolina, New Hampshire, Pennsylvania, Tennessee and Utah) shared these elements and in 5 jurisdictions (District of Columbia, Iowa, New Hampshire, Tennessee and Utah) these were the only elements. Connecticut's clause, last amended in 1973, is typical of civil reporting statutes and contains six elements (C, C, E, F, and G):

... to protect children whose health and welfare may be adversely affected through injury and neglect ... to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary and for these purposes to require the reporting of suspected abuse, investiga-
tion of such reports by a social agency, and provision of services, where needed to such child and family.


In general the criminal reporting statute clauses were shorter with only elements C, and C, present:

... to protect children whose physical or mental health and welfare are adversely affected by abuse and/or neglect ... It is intended that as a result of such reports the protective services of the state shall be brought to bear on the situation in an effort to prevent further abuses, and to safeguard and enhance the welfare of these children.

\textit{La. Rev. Stat. § 14:403A}

\textbf{TERMINATION CLAUSES}

Five states (Arizona, California, Idaho, Indiana and New Hampshire) have civil termination purpose clauses. The wording of three is similar to that of Arizona Revised Statute Section 8-531:

... to provide for voluntary and involuntary severance of the parent-child relationship ... for substitution of parental care and supervision by judicial process which will safeguard the rights and interests of all parties concerned and promote their welfare and that of the state. Implicit ... is the philosophy that, wherever possible, family life should be strengthened and preserved and that the issue of severing the parent-child relationship is of such vital importance as to require a judicial determination in place of attempts at severance by contractual arrangements, express or implied, for the surrender or relinquishment of children.

California's Civil Code, Section 232.5 simply states, however:

The provisions of this chapter shall be liberally construed to serve and protect the interests and welfare of the child.

\textbf{B. Definitions}

\textit{Master Chart}

Section 2 of Table I—Master Chart categorizes the types of definitions found in the codes of the jurisdictions. Tables III, IV, and V further delineate the range of terms used to define "neglect" and/or "neglected child." A large majority of the jurisdictions (45) do not have a statutory definition for the term "neglect." Only 8 states define "neglect": 5 (Alaska, Arizona, Idaho, Montana, New Jersey) do so in their civil code and 3 (California, Florida, Louisiana) in their criminal code.

Less than half the jurisdictions (22) have a "neglected child" definition. Twenty-one jurisdictions have only a civil definition; Delaware has both a civil and a criminal "neglected child" definition. In 13 jurisdictions the term "neglected child" is not used, per se, although the language of sections defining the jurisdiction of the court over children is similar to that used by states that do define "neglected child." These jurisdictions do not appear on Table I, but are listed on Table III with asterisks: Hawaii, Maine, Massachusetts, Michigan, Missouri, Nevada, Oregon, South Carolina, Virginia, Wisconsin, Guam, Puerto Rico, Virgin Islands.

Twenty-three states use some other civil definition to refer to a neglected child and Arizona has both a civil and criminal "other" definition. The categories are
fairly exclusive, for only 4 states (Mississippi, Montana, New York, Ohio) have both a "neglected child" and an "other" definition.

"Termination of parental rights" is defined in only 12 states (Arizona, Colorado, Connecticut, Georgia, Indiana, Kentucky, Louisiana, Nebraska, South Dakota, Tennessee, Texas, Utah), although 45 jurisdictions have a termination chapter, section or subsection.

A typical definition is:

... the permanent elimination by court order of all parental rights and duties, including residual parental rights and responsibilities.

COLO. REV. STAT. ANN. § 22-1-8

See Definitions and Termination of Parental Rights in DIGESTS OF JURISDICTIONS [Part IV].

Table III

The various "other" definitions are tabulated here. Seven states use "dependent child"; 7 other states use "neglected or dependent" or "dependent or neglected", 5 states "neglected or dependent" and 2 states "dependent or neglected"; 2 states refer to "dependent and neglected"; and 3 states (Georgia, North Dakota, Pennsylvania—all of which have enacted the Uniform Model Juvenile Court Act—use "deprived child." The commentary to the Georgia Code stresses that the term "deprived child" is used to avoid stigmatization of parents in "neglect" cases and to focus upon the needs of the child, regardless of parental fault.

All these definitions are similar but with some subtle distinctions. For example:

"Neglected child"—... less than eighteen years of age whose physical, mental or emotional condition has been impaired ... as a result of the failure of his parents ... to exercise a minimum degree of care ... (a) in supplying the child with adequate food, clothing, shelter, education (as required by law), medical, dental, optometrical or surgical care, though financially able to do so ... (b) in providing the child with proper supervision or guardianship ... or who has been abandoned by his parents.

New York (McKinney's) 1970 SESSION LAWS Ch. 962, § 1012(F)

"Neglected or dependent child"—... a child whose parent ... has abandoned him ... who lacks proper parental care ... whose environment is injurious to his welfare; whose parent ... fails or refuses to provide ... necessary subsistence, education, medical care or any other care necessary for his health, guidance or well-being ... or who is homeless, without proper parental care ...  

S.D. COMP. LAWS ANN. § 26-8-1

"Deprived child"—... a child who: (i) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals; or (ii) has been placed for care or adoption in violation of law; or (iii) has been abandoned by his parents, guardian, or other custodian; or (iv) is without a parent, guardian, or legal custodian; or (v) while subject to compulsory school attendance is habitually and without justification truant from school.

PA. STAT. ANN. tit. 11, § 50-102

SPIRITUAL HEALING EXEMPTION CLAUSES

Nineteen states qualify their definitions "neglect," "neglected child," "depen-
dent child," or "deprived child" in either their neglect or reporting sections. Some of these clauses refer exclusively to Christian Science healing, such as those of Alabama, Arizona, Virginia and Washington. (For specific wording see DIGESTS OF JURISDICTION [Part IV].) Eleven other jurisdictions (Colorado, Delaware, District of Columbia, Hawaii, Mississippi, New Hampshire, Ohio, Oklahoma, Oregon, South Dakota, Wyoming) have similar clauses to:

... no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

COLO. REV. STAT. ANN. § 22-1-14

New Jersey provides a unique addition to the above typical clause:

The Article to which this act is a supplement shall not be construed to deny the right of a parent . . . to treat or provide for an ill child in accordance with the religious tenets of any church as authorized by other statutes of this state; provided, that the laws, rules and regulations relating to communicable diseases and sanitary matters are not violated.

N.J. REV. STAT. § 9:6-1.1

And Missouri employs very broad language in its Section 211.031:

... except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect.

RECENT AMENDMENT ACTIVITY

Table III gives the date of the most recent amendment of the definition section. There has been as much legislative activity in this area as with the purpose clauses. Thirty-two statute sections have been amended during the 1970s, a fact which probably reflects the lowering of the age of majority to 18. New Jersey has the oldest section, last amended in 1937, and West Virginia’s and Indiana’s sections date back to 1941 and 1945 respectively.

Grounds for Neglect

Table IV shows the 13 grounds that most frequently constitute neglect (see legend, page 21). This table has 57 entries because some states (Arizona, Delaware, Iowa, Louisiana) have both civil and criminal grounds for neglect. In more than half the jurisdictions (30) some additional ground is also used, as indicated by column N “Other.” The most frequent grounds are: B in 56 jurisdictions: “lack of proper parental care, control or guardianship”; F in 46 jurisdictions: “parental refusal or inability to provide necessary medical, surgical or other special care made necessary by the child’s particular condition”; and A, “abandonment,” in 44 jurisdictions. The most infrequently used grounds were I: “parent or legal guardian, for good cause, desires to be relieved of his custody” in 3 states, and L: “found begging or receiving alms” in 6 states.

That the particular terms (e.g., neglected, dependent or deprived) are not of critical significance can be seen by the fact that the most common grounds, A, B and F, appear in conjunction with all types of definitions. Thirteen jurisdictions (Colorado, Georgia, Hawaii, Illinois, Kansas, New York, North Carolina, Oregon, Pennsylvania, South Carolina, South Dakota, Guam and the Virgin
Islands), for instance, share many common elements and include 7 states with “neglected child” definitions, 2 with “deprived child” definitions, 1 with a “dependent and neglected child” definition and 1 state with a definition of “neglect.”

In contrast to the purpose clause there is a wide variety of combinations, and the statutory language in the different states is not so repetitive. The major distinction is between language which stresses parental fault or which focuses upon the condition of the child without any mention of parental fault. Georgia, Pennsylvania and North Dakota, for instance, all use the term “deprived child” with the emphasis on the child:

... without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health or morals; or ... placed for care or adoption in violation of law. ... abandoned ...

GA. CODE ANN. § 24A-101

Typical of statutes stressing parental fault is Iowa’s:

... abandoned ... without proper parental care because of the emotional, mental or physical disability or state of immaturity of his parents, guardian or other custodian ... without proper parental care because of the faults or habits of his parents, guardian or other custodian ... living under conditions injurious to his mental or physical health or welfare.

IOWA CODE § 232.2

In many of the states with earlier statutes such as Alabama, New Hampshire, Alaska and Arizona, the language includes begging, associating with vagrant, vicious or immoral people, and moral unfitness of the parent—grounds L, M and D.

Table V: Age of Child

The statutory ages embodied in the definition, reporting and penalty sections are compared in Table V. Within certain states the ages are not uniform. In the large majority of jurisdictions (44) a child is defined as anyone under 18 years of age. In Arkansas and Florida the statute specifies that the definition is to apply “whether married or single.” Washington’s Sec. 26.44.020(6) defines “child” as “any person under the age of eighteen years of age and ... any mentally retarded person regardless of age.” In their neglect statutes New Jersey and South Carolina both still consider anyone younger than 21 a child, and in 4 states (Georgia, Louisiana, Michigan and Missouri) a child is anyone under 17. In Alaska, Connecticut, Massachusetts and North Carolina, 16 is the cut-off age.

Variations between the ages in the neglect, reporting and penalty sections are found in 14 jurisdictions: Alaska, Arizona, Arkansas, Connecticut, Florida, Illinois, Massachusetts, Mississippi, New Jersey, Ohio, Oregon, Rhode Island, South Carolina and Virginia. The age for reporting is younger than the age in the neglect definition in 10 states (Alaska, Arizona, Arkansas, Florida, Illinois, Massachusetts, New Jersey, Oregon, South Carolina, Virginia). In Ohio and Connecticut the age for reporting may, in some cases, be older than the age in the neglect section. In Arizona, Florida, Massachusetts, Mississippi and Oregon there are penalties in connection with children younger than the ages found in the definition section and in Ohio for neglect of persons older. Some
states in their reporting and penalty sections merely use "minor" or "child," and in these instances the age is presumed to be the same as in the definition section.

C. Neglect Hearing

Tables I, VI, VII and X should be consulted for data on the neglect hearing—the third basic component identified within neglect laws. Two subsections of the Master Chart are devoted to "Rights" and "Orders and Dispositions." Table VI further delineates the rights accorded to parents and children and analyzes various procedural aspects relating to the conduct of hearings, the evidentiary standard of proof and the treatment of records. Table VII presents the full range of possible dispositional orders and their effect. Finally, Table X deals with these matters as they specifically relate to proceedings seeking the termination of parental rights.

I. Rights of Parties

MASTER CHART

The incidence of statutory provision for counsel, appointed counsel, trial by jury and appeal is presented in this chart. Except for those jurisdictions (Indiana, Louisiana, Nebraska, Ohio, Guam) where "appeals" is asterisked as a sign that the right is accorded only to adults in criminal proceedings, there is no indication as to whom (parent, child, or all parties) the right is accorded. (For such information, refer to Table VI.)

Table I: Master Chart shows that specific mention of the "right to counsel" is present in the statutes of a large majority (41) of the jurisdictions. The "right to appoint counsel" is mentioned in 35 jurisdictions. Eight jurisdictions (Florida, Hawaii, Maryland, Mississippi, Oklahoma, Tennessee, Texas, Guam) provide for counsel, but without clear provision for appointed counsel. A minority of 11 jurisdictions is completely silent as to counsel. These are: Alabama, Alaska, Arkansas, Delaware, Iowa, Maine, Missouri, New Jersey, New Mexico, Washington, and the Virgin Islands. Some provision for a jury trial appears in the statutes of only 15 states: Alabama, Alaska, Colorado, Louisiana, Michigan, Mississippi, Nevada, Ohio, Oklahoma, Rhode Island, Texas, Utah, West Virginia, Wisconsin and Wyoming. It is interesting to note that all of these states except Alabama, and Alaska, also provide for counsel, and most provide further for appointed counsel. Clear statutory provisions for appeal were found in all but 7 jurisdictions. Those with none were Georgia, Maryland, Montana, New Jersey, Pennsylvania, Tennessee and the Virgin Islands.

NEGLECT HEARING

Table VI provides data from 55 statutes, including the specifics of Mississippi's dual provisions under its Youth Court Act of 1946 and the more recent Family Court Act of 1964. Maine appears without entries since there are no clear provisions in this area.

The "Rights" section of Table VI identifies jurisdictions that, as well as providing for counsel and trial by jury, stipulate the right to examine and present witnesses, counsel on appeals, and appointment of guardians ad litem. The section also indicates whether these rights are extended to parents, to
children or to both.

Column A—*Cross-examine and present witnesses:* 15 jurisdictions specifically extend this right to all parties. It is assumed, since the South Dakota statute (§26-8-1.1) refers to “constitutional and legal rights including being represented by counsel at every stage of the proceedings,” that this also includes the right to cross-examine and present witnesses. Connecticut and Nevada grant this right only to parents and Oklahoma only to the child. The majority (36) of the statutes are silent on this right.

Column B₁, B₂, B₃—*Counsel, Appointed Counsel, Counsel on Appeal:* All but 5 of the 41 jurisdictions that specify a right to counsel extend it to all parties. In Connecticut, the District of Columbia, Massachusetts and Michigan it is for the parents only, in the West Virginia statute only for the child. Among the 32 jurisdictions that also specify a right to appointed counsel, 25 provide for all parties, 6 for parents only and 1 for the child alone. In most jurisdictions there is consistency with respect to whom these two rights are accorded. However, 5 jurisdictions (Connecticut, District of Columbia, Idaho, Nevada, Rhode Island) limit the right to appointed counsel to parents. In Massachusetts, moreover, this right to appointed counsel goes to all parties, while the right to counsel is granted only to “the parents, guardian or custodian.” Only 15 jurisdictions provide for counsel on appeal. Five of these jurisdictions (District of Columbia, New Mexico, North Dakota, Pennsylvania, Virginia) appear on Table VI because their language is similar to the North Dakota Century Code, Section 27-20-26:

... a party is entitled to representation by legal counsel at all stages of any proceedings under this chapter ...

Or, to the District of Columbia Code, Section 16-2304(b):

... the parent, guardian or custodian of the child named ... entitled to be represented by counsel at all critical stages ... and if financially unable to attain adequate representation to have counsel appointed.

Although the above sections do not precisely say “appointed counsel on appeal,” this may be considered as included in a “stage of any proceeding” or as a “critical stage.”

Column C—*Appointment of Guardian ad litem:* A small minority of jurisdictions (13) require the appointment of guardians ad litem in certain circumstances for children. These are: Colorado, Georgia, Hawaii, Illinois, Iowa, Kansas, Minnesota, New York, Ohio, Texas, Virginia, Washington, and Puerto Rico. Colorado, Kansas, Ohio and Texas additionally require appointments of guardians ad litem for alleged incompetent parents.

Column D—*Trial by jury:* The symbol “N” signifies that “hearings conducted by the court without a jury” are required. Twenty-four statutes include this requirement. There are blank entries on the chart for 16 statutes which make no mention of a jury. Fourteen statutes include provisions for jury trials. Statutes that do not qualify the “right to a jury trial” appear with the symbol “Y.” The symbol “YP” indicates that the jury trial is available only for parents, generally when charged with contributing to the neglect of a child. The symbol “NP” indicates that all children’s cases are heard by the court without jury, but that in adult cases a jury trial may be demanded.
2. Procedures

CONDUCT OF HEARING

Columns E through J of Table VI cover procedural matters. A hearing closed to the general public is required by 36 statutes. A hearing separate from adult proceedings is required by 26 statutes, 22 of which require a closed and 3 an open hearing, while 1 makes no reference to admission. Thirty-three statutes provide for transcription of the proceedings by some means, though in some states this may only be upon request in the event of an appeal or upon order of the court. (See Wisconsin and Guam, Digests of Jurisdictions [Part IV].) In Georgia, verbatim electronic recording is deemed waived if not requested by counsel before commencement of the hearing.

More than half the statutes (34), contain language about evidentiary standards that must be met in determining "neglect," while 21 statutes are silent. Following is a breakdown among those states (in Column J) which state a standard (or standards):

<table>
<thead>
<tr>
<th>Standard</th>
<th>No. of Statutes</th>
<th>Adjusted Frequency %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—Clear &amp; Convincing</td>
<td>7</td>
<td>20.6%</td>
</tr>
<tr>
<td>2—Preponderance of the Evidence</td>
<td>9</td>
<td>26.5%</td>
</tr>
<tr>
<td>3—Civil Rules of Procedure</td>
<td>3</td>
<td>8.8%</td>
</tr>
<tr>
<td>4—Other</td>
<td>8</td>
<td>23.5%</td>
</tr>
<tr>
<td>2/3—Preponderance of the Evidence/Civil Rules of Procedure</td>
<td>4</td>
<td>11.8%</td>
</tr>
<tr>
<td>3/4—Civil Rules of Procedure/Other</td>
<td>2</td>
<td>5.9%</td>
</tr>
<tr>
<td>2/4—Preponderance of the Evidence/Other</td>
<td></td>
<td>3.0%</td>
</tr>
</tbody>
</table>

Double entries are due to one of two circumstances: either the statute provided for two types of hearings, e.g., adjudicatory and dispositional, with separate standards for each type of hearing; or the legislature referred to both standards within the hearing section.

While more than half the statutes (31) provide for an informal hearing (Column F1), only 14 statutes specifically confer broad discretionary rule-making power on the court (Column F2). Other statutes grant one or more types of specific discretionary powers to the judge. The judge may appoint a referee or master (Column F3) to hear the case, make findings and recommendations in 15 states: Alabama, Arizona, Arkansas, California, Colorado, Delaware, Minnesota, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee and Utah. The judge may appoint counsel (Column F4) whenever he deems it necessary in 14 jurisdictions: Arizona, Colorado, Connecticut, the District of Columbia, Hawaii, Louisiana, Massachusetts, Michigan, Montana, Nevada, Oregon, Texas, Wyoming and Guam. In 20 states the judge may appoint guardians ad litem for parties (Column F5) whenever he deems this would further the interests of justice: Alabama, Alaska, Arkansas, Colorado, Hawaii, Illinois, Iowa, Maryland, Montana, Nebraska, New Mexico, North Carolina, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming. Only 6 of these states (Colorado, Hawaii, Illinois, Iowa,
Texas, Virginia) have mandatory guardian ad litem appointments. And in 22 jurisdictions, the presence of the child may be waived (Column F).

Specific clauses governing the availability and confidentiality of court records appear in 34 statutes (Column J). However, of the 21 statutes which do not require court records to be confidential, 12 state that minutes of the proceedings must be transcribed. Hence, it could be presumed that records of the court, absent statutory language to the contrary are open in: Arizona, Colorado, Illinois, Indiana, Kentucky, Mississippi, Nebraska, South Dakota, Utah, Vermont and Washington.

3. Orders and Dispositions

MASTER CHART

This subsection of the Master Chart records the incidence of 5 types of orders: dismissal, protective supervision, transfer of legal custody, termination of parental rights and “other.” There are no clear patterns or repetitious groupings among the jurisdictions. Provisions for transfer of legal custody are found in all jurisdictions; and for protective supervision in all but 6 states (Arkansas, Connecticut, Kentucky, Maine, New Jersey, Texas). Fifty jurisdictions also provide for a range of “other” dispositional orders. An explicit statutory provision for dismissal of the “neglect” petition, if it is not proven or if the matter is settled informally prior to a hearing, appears in a majority (38) of the jurisdictions. Less than half (22) of the jurisdictions provide for termination of parental rights as a possible dispositional order following a “neglect” hearing. In 23 other statutes termination requires a separate proceeding (See Table X).

Table VII expands the dispositional columns of the Master Chart by using six subdivisions: Dismissal (column A and B); Temporary Orders (Columns C, D, E); Protective Supervision Columns F, G, H, I); Transfer of Legal Custody (Columns J, K, L, M); Other (Columns N, O, P, Q, R); and Length and Effect of Order (Columns S, T, U, V, W, X, Y). Data from 55 statutes in 54 jurisdictions are presented. Again there are two entries for Mississippi because of its two neglect hearing sections which apply to different courts in counties of different sizes. (See DIGESTS OF JURISDICTIONS [part IV].

Orders most frequently appearing: In each subdivision, they were:

1. Dismissal: “Dismissal following an adjudicatory hearing”—B in 33 statutes, while A—“dismissal via informal adjustment prior to filing” was found in only 21 statutes.

2. Temporary Orders: E—“orders of support” were possible in 41 statutes; C—“orders for custody” were possible in 35; and D—“orders for protection” were possible in 28.

3. Protective Supervision: F—“in the child’s own home” appeared in 48 statutes; H—“upon conditions determined by the court” appeared in 42 statutes and always in combination with F.

4. Transfer of Legal Custody: K—“to a public agency, institution or department” appeared in every jurisdiction except Kentucky; L—“to a private licensed agency” in 50 statutes; and J—“to a relative or other
suitable person” in 43 statutes.
5. **Other:** O—“treatment of the child” appeared in 43 statutes; and N—“examination of the child” appeared in 41 statutes.

6. **Length and Effect of Orders:** X—“orders modifiable” appeared in all but 6 jurisdictions (Alabama, Kentucky, Maryland, Nebraska, Virginia, the Virgin Islands); V—“for a stated number of years or until a stated age” (generally 18 years) are possible in all but 10 jurisdictions (Alabama, Delaware, Kentucky, Mississippi, Montana, Nevada, North Carolina, South Carolina, Vermont); and Y—“special clause exempting imposition of any disability” upon a child adjudicated “neglected” appeared in 46 jurisdictions. Only 8 states (Connecticut, Idaho, Iowa, Maine, Massachusetts, Montana, New Jersey, New York, Texas) do not include such a clause. *(See G. Special Clauses, *infra*.)*

**UNUSUAL ORDERS:**
Utah provides for a commitment to a “ranch, forestry camp or similar facility, for care and for work.” *(UTAH CODE § 55-10-100(6) The Nevada courts may “place the child, when he is not in school, under the supervision of a public organization to work on public projects.” *(NEV. REV. STAT. § 62-200(E).)* New Jersey allows its protective orders to apply to the unborn if the mother is within the state. *(N. J. REV. STAT. § 30:4C-11.)* The power of the court in Oregon is limited by the following language:

> . . . the court may . . . place the child in the legal custody of the Children’s Services Division for care, placement and supervision. . . . the court shall make no commitment directly to any residential facility, but shall cause the child to be delivered into the custody of the Children’s Services Division.

**ORE. REV. STAT. § 419.507**

Provisions ordering the mental or physical examination of a parent, guardian or custodian whose ability to care for a child is at issue are found in 14 statutes: Arizona, California, Connecticut, Delaware, the District of Columbia, Hawaii, Louisiana, Maryland, Montana, New Mexico, New York, Ohio, Virginia, and West Virginia.

And 2 states—Arizona and California—have sections requiring mandatory counseling for a parent, guardian or custodian who retains custody of an adjudicated “dependent child.” In Arizona the counseling is administered by the court. In California the counseling may be done by an agency designated by the court.

**SUMMARY**
The typical *(i.e., found in more than 28 statutes)* neglect hearing section will include the following “Rights”: counsel, appointed counsel and appeal. There will be no provision for guardian ad litem appointments. Regarding “Procedures” there will be an informal hearing, closed to the general public and with no specific provision for a trial by jury. There will be some provision for a transcript of the proceedings and records will be considered confidential. The evidentiary standard to be applied in adjudicating neglect will be stated. “Orders and Dispositions” will include: all possible temporary orders; transfers of legal custody; dismissal after an adjudicatory hearing, if the neglect is not
proved; protective supervision of the child in his own home by the court; examination and treatment of the child. They will continue until further order by the court, or will be for a stated number of years, but without any mandatory review. The orders will be modifiable and there will be a special clause exempting the imposition of any disability upon the child as a result of the order.

D. Penalties for Neglect

The Master Chart, Table I, presents data on the fourth basic component analyzed—penalties for neglect of children. The Master Chart indicates whether the penalty appears in a civil or criminal statute. Since this study focuses primarily on the civil aspects of neglect proceedings, the criminal codes were examined only if a jurisdiction had a criminal reporting statute, such as Nebraska and Nevada, or a criminal neglect statute, such as Arizona, or if the only definition for "neglect" or "neglected child" appeared in the criminal code, as in California or Puerto Rico, (See Table III: Definitions.) to determine whether there were any possible criminal sanctions. As noted in the Introduction (Part I), text accompanying notes 10-12, supra, criminal sanctions against the wanton and wilful mistreatment of children have been traditional in the law.

Penalties were found in 32 jurisdictions, 19 civil and 14 criminal. Wisconsin had both. As noted supra in the discussion about Table V, the "age of a child" in the penalty section does not always conform to that found in either the definition or the reporting sections. Jurisdictions impose a range of fines, from $50 to $1000. There may be a sentence of imprisonment from 30 days to 5 years for abandonment or a resulting death. In most instances both a fine and imprisonment may be imposed. (Puerto Rico's criminal penalty is only a maximum fine of $100, imprisonment not to exceed 30 days, or both, but in general, the criminal penalties are more severe, such as Delaware's $1000 fine, possibly 2 years in prison, or both.) Some civil penalties are as severe as the criminal ones, for example Kansas' and Washington's maximum fines of $1000, 1 year in prison, or both; or New Jersey's maximum fine of $500, 3 years imprisonment with or without hard labor or both. In contrast, Minnesota imposes no fine and may suspend the sentence and place the adult on probation. There seems to be no fixed relationship pattern between the possible fines, length of imprisonment and whether the penalties are civil or criminal.

E. Reporting of Neglect

Master Chart

This section of Table I identifies the 43 jurisdictions that provide for the reporting of some aspects of neglect under their child abuse reporting acts. A small group of jurisdictions (11) do not require the reporting of some form of neglect under their mandatory reporting statutes: California, Georgia, Indiana, Maine, Maryland, Michigan, Rhode Island, Vermont, Wisconsin, Puerto Rico, and the Virgin Islands.
Tables VIII and IX

These two tables should be read together since Table IX expands upon the "Immunities" and "Waivers" columns of Table VIII. Because Arizona has both civil and criminal neglect reporting statutes, these two tables deal with 44 statutes in 43 jurisdictions. Thirty-three statutes are civil and 11 are criminal. It is striking that three-fourths (33) have been amended since 1970. The group of 11 that constitute the oldest laws are: Arizona's criminal statute, last amended in 1964; North Dakota and Utah, last amended in 1965; District of Columbia and Mississippi, last amended in 1966; Alabama, Arkansas and Guam, last amended in 1967; Minnesota, Missouri and Ohio, last amended in 1969. This record of recent amendment activity is noteworthy, for as recently as 1968 only 22 reporting laws were listed as dealing with neglect.*

AGE OF CHILD

The age of a "child" in the reporting statutes varies greatly from state to state. Although most states redefine the age of a "child" within their reporting statute, some (Hawaii, Montana, New Jersey, Utah,) simply use the term "child" or "minor" or "under the age of majority." More than half 31 of the statutes set the upper age limit of a child at 18 years, clearly to conform with the recent trend toward lowering the age of majority to 18. Ohio defines "child" as being one less than 18 years, but adds a provision extending the age to 21 in the case of a crippled or handicapped individual. Six states set the age limit of a "child" at 16 years, another 4 at 17 and Oregon at 15 years. It is interesting that 9 of the 13 states which set ages at less than 18 years are located in the south: Alabama, Arizona's criminal, Arkansas, Florida, Louisiana, Missouri, North Carolina, South Carolina, and Virginia, with only Alaska, Illinois, Massachusetts and Oregon representing other sections.

WHAT'S REPORTABLE

Although there has been much recent amendment activity, what is reportable still varies from state to state. The majority of the statutes (27) require the reporting of "B"—"injury or condition caused by neglect." A typical example of such a statute is:

A report . . . shall be made promptly . . . when there is reason to believe that a child under 18 years of age has had serious injury or injuries inflicted on him as a result of abuse or neglect . . .


As indicated by "A"—reporting of neglect, the requirement that neglect must cause physical injuries in order to be reportable has been dropped by 8 states (Arizona Cr., Louisiana, New Hampshire, North Carolina, New York, Pennsylvania, South Carolina, Texas.) In general these statutes now simply require for reporting:

. . . having reason to suspect that a child under the age of eighteen has been neglected or abused. . . .


In the remaining 9 statutes, the focus is upon "abuse" rather than "neglect," but included within the statutory definition of "abuse" is some form of neglect. These statutes are marked "C" and an example of their language is:

“Abuse” means:
(b) Neglect, including malnutrition, which leads to physical harm . . .

OR. REV. STAT. § 418.740

. . . having reasonable cause to believe that any child with whom he comes in con-
tact in his official capacity has suffered abuse shall report.

OR. REV. STAT. § 418.750

NATURE OF REPORT
In the “Nature of Report” column on Table VIII, the statues are characterized
as mandatory or permissive, and accusatory or non-accusatory. There is virtual
uniformity in this area, for all but 1 of the 44 statutes make reporting
mandatory for the named persons. Only Arizona’s civil statute is permissive,
but since Arizona also has a criminal mandatory statute, all jurisdictions now
mandate reporting. However, unanimity does not extend to the second half of
this column which covers the nature of the report—accusatory or non-accusa-
tory. Accusatory statutes charge the parent or guardian with some fault or fail-
ure to perform a duty, while the non-accusatory statutes focus upon the conditi-
on of the child rather than fixing the blame for that condition upon someone.
Twenty-nine statutes are non-accusatory in nature, 13 clearly accusatory, and
Iowa and New Jersey are accusatory for professionals required to report and
non-accusatory for others who may report.
New Jersey Revised Statutes, Section 9:6-8.3 is typical of an accusatory statute:

... having reasonable cause to suspect that any child . . . brought to him or
coming before him . . . has had serious physical injury or injuries inflicted upon
him other than by accidental means by a parent, parents, guardian, or person
having custody and control of the child . . .

And a representative non-accusatory reporting statute reads:

... having knowledge of or called upon to render aid to any child who is suffering
from or has sustained any wound, injury, disability, or physical or mental condition
which is of such a nature as to reasonably indicate that it has been caused by
brutality, abuse or neglect or which on the basis of available information reasonably
appears to have been caused by brutality, abuse or neglect, shall report.

TENN. CODE. ANN. § 37-1203

More accusatory reporting clauses appear in the criminal than in the civil
statutes. Of the 33 civil reporting laws, 27 are non-accusatory and only 6 are
accusatory (Iowa, Missouri, Montana, New Jersey, Oregon, Wyoming,) while of
the 11 criminal statutes, only 2 are non-accusatory—Louisiana and Nevada.

Another difference between civil and criminal statutes is in the inclusion of a
penalty for non-reporting. Among the 33 civil statutes only 16 provide for a
penalty for wilful failure to report—which would seem to detract from the
“mandatory” nature of the reporting—whereas all 11 criminal statutes provide
penalties for failure to report.

IMMUNITIES AND WAIVERS
Since the reporting of neglect and abuse could entail risk for those reporting, all
jurisdictions except Oregon have provided some type of immunity for reporters.
(See Table IX.) Eight statutes provide for an absolute immunity, regardless,
of the motive or intent of the reporter. Nine statutes provide that the individual
reporting is presumed to be acting in good faith, thereby shifting the burden of
proof to those who might contend that the report was made maliciously. Ten
statutes provide immunity in the absence of bad faith, although 3 also employ another standard—a presumption of good faith, or absolute immunity. Many laws (20) simply grant immunity to those reporting in good faith.

The "Privileges" section of Table IX records 5 types of waivers: doctor-patient, husband-wife, all other privileges except attorney-client, all privileges, and similar privileges. The doctor-patient privilege is the most common, appearing in 36 statutes. The husband-wife privilege appears in 25 statutes, all of which except Connecticut also provide for a doctor-patient privilege waiver. Only New Jersey, New York and West Virginia fail to provide for a waiver of certain customary privileges. Alabama and Nevada provide specifically for a waiver of all privileges. All privileges except that of the attorney-client are waived in 6 statutes (Arizona-Civ., Delaware, Florida, Idaho, Louisiana, Texas.) Massachusetts provides for a waiver of the physician-patient, the husband-wife, and other similar privileges. Six states provide for a waiver of only the physician-patient privilege, and an additional 5 states provide the waiver of the physician-patient privilege, as well as similar privileges. Connecticut provides only for the waiver of the husband-wife privilege.

CENTRAL REGISTRY
More than three-fourths (31) of the neglect reporting statutes require the establishment of a central registry to keep track of instances of child abuse and neglect. (See Digests of Jurisdictions [Part IV] for those states that maintain a registry by administrative policy.)

Summary
A typical civil reporting statute will probably have been amended within the last four years; have an upper age limit for a child of 18 years; have a mandatory non-accusatory reporting provision for neglect which caused physical injuries; fail to have a penalty for non-reporting of child neglect; contain some form of special clause, generally a spiritual healing exemption; provide for immunity to those reporting in good faith; provide some form of waiver of privileges; most often the physician-patient and husband-wife; and provide for a central registry.

The usual criminal reporting statute resembles its civil counterpart in all respects, except that it is usually accusatory and provides for a penalty for wilful non-reporting of child neglect.

F. Termination of Parental Rights

Master Chart
This section of the Master Chart is divided into three sub-sections that indicate whether termination of parental rights is handled in a separate chapter, or as a section or a subsection of the neglect statute. There are termination statutes in 44 jurisdictions (New Jersey has 2 laws.)


In the majority of the statutes (29) termination is treated in a section. Seven other states refer to termination only in a subsection and in Colorado, there are
listings for both a section and a subsection.

The totals from this section of the Master Chart and the earlier tally of the "termination" column under Definitions differ because not all of the statutes explicitly define termination and its effect. There is also a difference between the 44 jurisdictions here noted as dealing with termination and the 22 jurisdictions that are checked as terminating parental rights in the "Dispositional" section. In 23 statutes, termination required a separate proceeding, sometimes in a different court from where the neglect adjudicatory and dispositional hearings occurred. These jurisdictions include: Arizona, California, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Wisconsin, Wyoming.

Table X
Table X tabulates the characteristics of 45 statutes from 44 jurisdictions with New Jersey represented by two termination sections, one applying to agency initiated proceedings (Section 9:2-18 to 9:2-20) and another to termination in connections with adoptions (Section 30:4C-11 to 30:4C-20)

RECENT AMENDMENT ACTIVITY
Once again the recent increase in amendments is striking. More than half (23) of the statutes have been amended in 1970 or later. The Connecticut, Minnesota and New Hampshire laws were amended as recently as 1974. Four jurisdictions (Guam, Missouri, New Jersey, Wyoming), however, have statutes last amended in the 1950s.

STATEMENT OF PURPOSE
Only 5 statutes have a statement of purpose: Arizona, California, Idaho, Indiana and New Hampshire (see discussion of Table II, supra).

GROUNDS
States vary in their response to parental neglect, but most frequently appearing grounds are: A—abandonment, in 37 statutes; B—neglect, in 35; H—with parental consent in 24; and D—parental moral unfitness, in 20 statutes.

Typical language is found in Kentucky’s Section 199.600:

...if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child or have substantially or continuously or repeatedly neglected the child or refused to give the child parental care and protection, or that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year. ...

Rhode Island’s Section 15-7-7 is similar, although the final directive to the court seems unusually harsh:

If either parent be under guardianship, or imprisoned at any adult correctional institution under a sentence for a term of not less than three (3) years, or has willfully deserted for one (1) year or has neglected to provide proper care and maintenance for the child for one (1) year ... where financially able to do so, or if the child is permanently neglected as defined herein, or if the parent is mentally incompetent, ... the court shall proceed as if such parent were dead . . .
RIGHTS AND PROCEDURES

Five jurisdictions (Arkansas, Louisiana, South Carolina, South Dakota, West Virginia) make no mention of rights accorded either to parent or child when termination of parental relationship is sought. Among the 39 statutes that do specify rights, A and B—notice and a hearing—appear in 39. Provisions for appointment of guardian ad litem were found in 20 statutes: for all parties in 10; for parents only in 6; and for the child only in 4. Reference to the evidentiary standard of proof appears in only 17 statutes, less than half, as against the incidence of some standard of proof in more than half of the neglect hearing sections (see Table VI and discussion, supra). Also, in contrast to the neglect hearing sections: "clear and convincing" rather than "preponderance of the evidence" is the most frequently required standard.

<table>
<thead>
<tr>
<th>Standard</th>
<th>No. of States</th>
<th>Adjusted Frequency%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1—Clear and convincing</td>
<td>5</td>
<td>31.3%</td>
</tr>
<tr>
<td>2—Preponderance of evidence</td>
<td>4</td>
<td>25.0%</td>
</tr>
<tr>
<td>3—Civil rules of procedure</td>
<td>2</td>
<td>12.5%</td>
</tr>
<tr>
<td>4—Other</td>
<td>4</td>
<td>25.0%</td>
</tr>
<tr>
<td>2/3—Preponderance of evidence/</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil rules of procedure</td>
<td>2</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

DISPOSITIONS

All the jurisdictions, except Louisiana, speak of possible dispositions. Only Florida and Arkansas do not provide specifically for a termination of parental rights. (See DIGESTS OF JURISDICTIONS [part IV].) All but 8 jurisdictions (Arkansas, Louisiana, New Mexico, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee) provide for the transfer of legal custody. Twenty jurisdictions provide for other dispositional orders.

EFFECT

The final section of Table X analyses the effect of the termination decree. All of the statutes make this clear, except South Carolina's. Thirty-eight statutes specify that the order is final and conclusive, although, of this group, 18 provide for appeal. In more than half (26) of the jurisdictions, the order may apply to only one parent. In 6 states (Arkansas, Illinois, Iowa, Kansas, Minnesota, Texas) the language makes the order apply to both parents, if living.

Summary

The typical termination statute will be a section that has been amended sometime since 1970. It will have no purpose clause; grounds for terminating the relationship will include abandonment, neglect, and possibly moral unfitness of the parent and parental consent; the rights accorded to parent and child will be notice and a hearing; dispositional orders will terminate the relationship and transfer legal custody of the child; and the termination will be final and conclusive but might apply to only one parent.

G. Special Clauses

The seventh section of the Master Chart focuses on the final component of
neglect laws and presents the most frequently found special clauses in the neglect hearing, reporting and termination of parental rights sections.

Guardian Ad Litem Clauses

These are found in more than two-thirds of the jurisdictions in 29 neglect hearing sections, and in 19 termination sections. In 12 jurisdictions guardian ad litem clauses appear in both sections: California, Georgia, Hawaii, Illinois, Iowa, Minnesota, Nebraska, North Dakota, Tennessee, Texas, Wisconsin and Wyoming. Connecticut also has 2 clauses—one in its reporting law and another in its termination section.

The mandatory versus permissive directives of these appointment clauses can be discovered by reference to Table VI-columns C and F. The following are typical clauses:

A mandatory clause for the child reads in part:

• . . . at any stage of a proceeding . . . on application of a party or on its own motion, shall appoint . . . for a child, who is a party to the proceeding if he has no parent, guardian or custodian appearing on his behalf or their interests conflict with his or in any other case in which the interests of the child require a guardian. . . .

GA. CODE ANN. § 24-3301

Colorado's Section 22-3-5 (2) requires for the parent that:

• . . . the court shall appoint for any parent who has been adjudicated mentally ill or mentally deficient except that if a conservator has been appointed . . . he may serve . . . if not . . . he shall be informed that a guardian ad litem has been appointed.

In Colorado's reporting law, the duties of a child's guardian ad litem are spelled out:

• . . . The guardian ad litem shall in general be charged with the representation of the child's interests. To that end he shall make such further investigation as he deems necessary to ascertain the facts, interview witnesses, examine and cross-examine witnesses in both the adjudicatory and dispositional hearings, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree appropriate for adequately representing the child.

COLO. REV. STAT. ANN. § 22-10-8 (3)

Sixteen jurisdictions have no provisions for guardian ad litem: Delaware, District of Columbia, Florida, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Nevada, New Jersey, Oklahoma, Oregon, South Carolina, West Virginia, Guam and the Virgin Islands.

Spiritual Healing Exemptions

These clauses, appearing in less than half (23) of the jurisdictions, are found in 15 neglect hearing sections; in 17 reporting statutes; and in 4 termination statutes. Eleven jurisdictions employ more than one clause: Alaska, Arizona, Colorado, Delaware, District of Columbia, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon and Washington.

Oklahoma, for example, has 3 spiritual healing exemption clauses. (See the discussion supra, Tables III and VIII.)

Religious/Racial Preference in Placement

More than half (30) of the jurisdictions, specify that the religion of the child or
the preference of the parent must be considered when making a placement, although there may be a qualifying phrase of "as far as practicable."

The court in committing a child shall place such child as far as practicable in the care and custody of an individual or an institution controlled by persons holding the same religious belief as the parents of the child. \textit{Iowa Code} § 232.60 and again,

(b) the placement must be of the same general religious belief as the parents, or if none, of the child itself. \textit{Alabama Code} tit. 13 § 361

Alabama is the only state that includes a direct racial prohibition regarding placement.

(a) no child may be committed to any home of a race other than its own; \textit{Alabama Code} tit. 13, § 361

\textbf{Other Clauses}

All but 3 states (Idaho, Montana, New Jersey) appear in the "other" special clauses column of the Master Chart. These "other" clauses, such as the "waiver of disability from adjudication" are indicated on Table VII—Column Y, or by the "X" found in the special clauses column of Table VIII—Reporting Statutes. (\textit{Refer to Digest of Jurisdictions [Part IV] for particular wordings.})

Typical language for the waiver of disability clause is found in Indiana's Section 31-5-7-15 (9-3215):

(5) . . . No adjudication upon the status of any child . . . shall operate to impose any of the civil disabilities ordinarily imposed by conviction . . . disposition of a child or any evidence given . . . given not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition or evidence operate to disqualify a child in any future civil service examination, appointment or application.

\textbf{H. Profile of a Hypothetical Neglect Statute}

It is possible to compose a "typical" neglect statute by analyzing how the current child neglect laws of the 54 jurisdictions treat the 7 basic components: (A) Statement of Purpose; (B) Definitions; (C) Neglect Hearing; (D) Penalties; (E) Reportable under Child Abuse Law; (F) Termination of Parental Rights; and (G) Special Clauses.

First there will be a civil neglect purpose clause, stating that the intent of the law is to be liberally construed:

to secure care, guidance and discipline for each child, preferably in his own home; to preserve and strengthen family ties whenever possible, removing him from the care, custody and discipline of his parents, only when his welfare or safety and the protection of the public cannot be adequately safeguarded without removal; and when removed, to secure care, custody and discipline as nearly as possible equivalent to that which should have been given by his parents.

Second, there will be a "neglected child" definition that considers a child as a person under 18 years of age, abandoned, and/or lacking proper parental care, control or guardianship, and whose parent, guardian or custodian refused or was unable to provide necessary medical, surgical or other special care made necessary by the child's particular condition.
Third, the neglect hearing will provide for counsel, appointed counsel, and appeal, but no trial by jury. The hearing will be informal, closed to the general public and transcribed. All records will be deemed confidential. The statute will contain an evidentiary standard for determining neglect perhaps “by a preponderance of the evidence, in accord with civil rules of procedure.” There will be a range of possible dispositional orders, including dismissal if the allegations are not proved; temporary order for support, custody and protection; protective supervision by the court in the child’s own home; transfer of legal custody to a public agency, institution or department, or to a private licensed agency, or to a relative or other suitable person; and examination and/or treatment of the child. All orders will be modifiable and remain in effect for a stated number of years or until the child is 18 years of age.

Fourth, there will be either a civil or a criminal penalty, imposing a fine, an imprisonment or both.

Fifth, the required reporting of abuse under a mandatory statute will include certain aspects of neglect. Immunities and waivers of privileges, especially the physician-patient and husband-wife, will be present. A central registry of all reports will be mandated.

Sixth, termination of parental rights will be possible following a proceeding, separate from the neglect hearing. This will be provided for in a section rather than in a separate chapter.

And seventh, it may have as a special clause only the waiver of disability from an adjudication of the status of “neglected child.” There will be no provisions for guardians ad litem, spiritual healing exemptions, or religious preference in placement clauses.
Part IV:

Digests of Current Child Neglect Laws in Fifty-Four American Jurisdictions
ALABAMA

Citations


Purpose Clause

None.

Definitions

[13-350 (2)]; Recompiled 1958

"neglected child"

"under 16 years of age . . . abandoned by both parents . . . has no proper parental care or guardianship, or whose home, by reason of neglect, cruelty, or depravity, on the part of his parent or parents, guardian or other person in whose care he may be, is an unfit or improper place . . . found begging, receiving or gathering alms or . . . found in any street, road or public place . . . selling or offering for sale any article . . . or being used in aid of any person so doing; or his parents, guardian or custodian neglect or refuse when able to do so to provide or allow medical, surgical, or other care necessary for his health or well-being; or . . . permits such child to engage in an occupation or calling contrary to . . . child labor laws of his state; or whose parents fail, refuse or neglect to send such child to school . . . or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with . . . any law, regulation or ordinance for the education, care and protection of children; or who for any other cause is in need of the care and protection of the state."

Neglect Hearing

Title 13.

Rights:

[362; 371]

Procedures:

[351]

Appeal to circuit court of county. Defendant parent may have a trial by jury.

Juvenile Court has:

". . . power to determine form and character of its records and to devise and publish rules . . . to regulate proceedings."
Separate and distinct from other docket kept by court.

May be in judge's chamber. "... duty of judge to so conduct the hearing as to disarm the fears of the child and to win its respect and confidence ..."

Court may appoint a referee to hear the case. May appoint guardian ad litem for child if it has no parent or custodian.

Transcript of proceedings shall be kept.

"If after investigation, the chief probation officer deems that the cause is not a meritorious one, he may decline to ask the judge or clerk for a summons, and the court may upon his motion dismiss such petition ..."

May order physical or mental examination or treatment and/or place in public hospital or other institution for such care.

Following adjudication, court may:
(a) commit to home of parents, subject to visitation and supervision of probation officer;
(b) place in any suitable family home, subject to supervision of probation officer;
(c) authorize temporary boarding out;
(d) commit by either temporary or final order to any orphanage, institution, association, or agency approved by the state Dept. of Public Welfare;
(e) commit by either temporary or final order to state Department of Public Welfare;
(f) may order parents, if have means, to pay for support and care.

"The court may make such other order or judgment as the court, in its discretion, shall deem ... for the best interests of the child."

"Any child adjudged ... neglected ... continue ... in the care and under the control of the court during minority, unless discharged or committed by final order by the court ..."

"... records shall be withheld from indiscriminate public inspection, but such ... shall, in the dis-"
**Part IV: Digests of Neglect Laws**

**Penalty for Neglect**

Yes.

"... unlawful for any parent, guardian or other person to aid, encourage, or cause any child under 16 to become or remain ... neglected ... or by neglect of any lawful duty or in any manner contribute to ... neglect of any child under 16 years of age ..."

**[366]**

Fine: up to $100; Sentence: hard labor for the county for not more than 12 months; Imprisonment in county jail up to 12 months; or both fine and sentence. (Sections 13-367 through 13-373 extend similar rights to adult defendant and provide for hearing procedures as already noted.)

**Reportable Under Child Abuse Law**

Yes. [Tit. 27, §§ 21-25; last amended, 1967]

"... If suffering from starvation or sexual abuse or attempted sexual abuse or is suffering from or has sustained any wound or injury which ... appears to be unusual or of such nature as to indicate or raise a suspicion that such ... was caused by physical abuse, child brutality, child abuse, or neglect."

**Nature of report:**

Mandatory: Non-accusatory; for child under 16 years.

**Immunity:**

From criminal and civil liability, and applies to any judicial proceedings resulting from such report.

**Waivers:**

"The doctrine of privileged communication shall be a ground for excluding any evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report ... ."

**Penalty:**

A knowing failure to report is a misdemeanor punishable by a fine not to exceed $500 or a sentence of not more than 6 months.

**Central Registry:**

No statutory provision. [Dept. of Pensions and Security maintains a central file of all abuse reports as a matter of administrative policy.]
Alabama—continued

TERMINATION OF PARENTAL RIGHTS

No.

SPECIAL CLAUSES

Neglect Section

Guardian ad litem:
For a child upon appeal or to represent child when such has no parent or custodian.

Spiritual healing exemption:
"... a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered a physically neglected child for the purpose of this section."

Preference in placement:

W(a) No child may be committed to any home of a race other than its own; and
(b) the placement must be of the same general religious belief as of the parents, or if none, of the child itself."

Waiver of disability:
"No adjudication . . . shall operate to disqualify any child for any office in any state, county, or municipality, or from employment in any civil service under any branch of the government . . . No child shall be denominated nor held to be a criminal by reason of any adjudication, nor shall such adjudication be held . . . a conviction."
ALASKA

CITATIONS

ALAS. STAT. §§ 47.10.010-47.10.142 (1971)—Neglect; §§ 47.17.010-47.17.070 (1971)—Reporting; § 47.10.080(c) (3) (1971)—Termination.

PURPOSE CLAUSE

[47.17.010; Last amended 1971]

Civil—Reporting Statute

"... to protect children whose health and well-being may be adversely affected through... physical abuse or neglect... It is the intent... that as a result of these reports, protective services will be made available in an effort to prevent further harm to the child, to safeguard and enhance the general well-being of the children in this state, and to preserve family life whenever possible."

DEFINITIONS

[47.10.010 Last amended 1971]

“dependent minor”—“one under 18 years whom the court determines is:

(4) abandoned by his parent, guardian or custodian;

(5) lacks proper parental care by reason of the faults, habits or neglect of his parent, guardian or custodian;

(6) associates with vagrant, vicious or immoral people or engages in an occupation or is in a situation dangerous to life or limb or injurious to health, morals or welfare of itself or others;

(7) was an orphan without relatives willing or able to assume custody and care;

(8) has been released by his parents or others... for adoptive purposes; or

(9) is in need of special care or training not otherwise provided."

[47.17.070; Last amended 1971]

“(1) ‘abuse’ means the infliction, by other than accidental means, of physical harm upon the body of a child.”

“(5) ‘neglect means the failure to provide necessary food, care, clothing, shelter, or medical attention for a child.”

NEGLECT HEARING

Rights:

Trial by jury; Appeal.

Procedures:

Informal with public excluded. Court may informally adjust or dispose without a hearing, or it
Alaska—continued

may authorize person having knowledge to file a petition with the court.

Dispositions:
[47.10.080]

"Court . . . shall find and enter a judgment that minor is or is not a dependent minor . . . If found dependent, court shall order:

(1) commitment to department of health and social services for an indeterminate period not to exceed date child becomes 19 years of age;

(2) release to parents or some suitable person under supervision, care and treatment given by department;

(3) termination of parental rights and responsibilities of one or both parents and commit child to department of health and social services; or to a legally appointed guardian, if one of the following conditions exists:

(a) each parent wishes to relinquish child for adoption and consents in writing;

(b) child is abandoned for not less than 6 months;

(c) parent is judicially determined to be of unsound mind and disability has not been removed and parent is hospitalized for reasons of mental illness diagnosed as permanent or of long duration."

[47.10.142(e)] May order support for child.
If court finds probable cause of child "neglect" or "abuse" may order temporary placement with department or return to custody of parent or guardian subject to department's supervision. If no probable cause, minor must be returned to custody of parent.

Records:
[47.10.090] "(a) . . . All information and social records . . . privileged and may not be disclosed directly or indirectly . . . Within 30 days of the date on which the court relinquishes jurisdiction . . . the court shall order sealed all the court's official records, information and social records . . ." A violation of this section is a misdemeanor. Fine of not more than $500, one year in jail, or both.

Penalty For Neglect No.
### Part IV: Digests of Neglect Laws

<table>
<thead>
<tr>
<th><strong>Reportable Under Child Abuse Law</strong></th>
<th>Yes—[§ 47.17.010 et seq.; last amended. 1971.]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nature of Report:</strong></td>
<td>Mandatory; non-accusatory; for child under 16 years.</td>
</tr>
<tr>
<td><strong>Immunity:</strong></td>
<td>From criminal and civil liability if reported in good faith and applies to any judicial proceeding resulting from such report.</td>
</tr>
<tr>
<td><strong>Waivers:</strong></td>
<td>Physician-patient; Husband-wife.</td>
</tr>
<tr>
<td><strong>Penalty:</strong></td>
<td>No.</td>
</tr>
<tr>
<td><strong>Central Registry:</strong></td>
<td>“(a) The department . . . shall maintain a central registry of all investigation reports but not of the reports of harm. (b) Investigation reports and reports of harm filed under this chapter . . . confidential . . . not subject to public inspection and copying . . . However, in accordance with . . . regulations, investigation reports may be used by appropriate governmental agencies with child protection functions, inside and outside Alaska, in connection with investigations or judicial proceedings involving child abuse, neglect, or custody.”</td>
</tr>
<tr>
<td><strong>Termination of Parental Rights</strong></td>
<td>Yes—[§ 47.10.080(c)(3); last amended 1972 (See HEARING-Dispos.).]</td>
</tr>
<tr>
<td><strong>Special Clauses</strong></td>
<td>Neglect Section</td>
</tr>
<tr>
<td></td>
<td><strong>Guardian ad litem:</strong> &quot;Whenever . . . it appears to the court that the welfare of a minor will be promoted by the appointment of a guardian ad litem, the court may make the appointment.”</td>
</tr>
</tbody>
</table>
|                                    | **Spiritual healing exemption:** " . . . the court may, upon consideration of the health of the minor and the fact . . . is being provided treatment by spiritual means through prayer in accordance with the tenets and practices
Family Law Quarterly

Alaska—continued

of a recognized church or religious denomination by an accredited practitioner... dismiss the proceeding and thereby close the matter... on the court's own motion or upon the application of a party to the proceeding at any stage..."

[47.10.080(g)]

Waiver of disability:
"No adjudication... upon the status of a child may... impose any of the civil disabilities ordinarily imposed by conviction upon a criminal charge... nor may the adjudication be... deemed a conviction. The commitment and placement of a child and evidence given in court are not admissible... against the minor in a subsequent... proceeding in any other court, nor does the commitment or placement or evidence operate to disqualify a minor in a future civil service examination or appointment in the state."

Reporting Statute

Other:
"This section does not prohibit the named persons from reporting cases which have come to their attention in their nonprofessional capacities nor does it prohibit any other person from reporting..."

[47.17.030 (d)]

"Before the department of a local government health or social services agency may seek the termination of parental rights... it shall offer protective social services and pursue all other reasonable means of protecting the child."

Termination Section

Spiritual healing:
"In making its order under (c) of this section, the court shall consider the fact, if it is a fact, that the minor was being provided treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner..."
Part IV: Digests of Neglect Laws

ARIZONA

CITATIONS


PURPOSE CLAUSES

[13-827; last amended 1955]

Criminal—Neglect Section

"... liberally construed in favor of the state for the protection of the child from neglect or omission of parental duty toward the child and also to protect the children of the state from the effects of the improper conduct, acts or bad example of any person which may... cause, encourage or contribute to... dependency..."

[Preamble to Laws 1970, ch. 153, § 1]

Civil—Termination Chapter

"... to provide for voluntary and involuntary severance of the parent-child relationship... for substitution of parental care and supervision by judicial process which will safeguard the rights and interests of all parties concerned and promote their welfare and that of the state. Implicit in this act is the philosophy that wherever possible, family life should be strengthened and preserved and that the issue of severing the parent-child relationship is of such vital importance as to require a judicial determination in place of attempts at severance by contractual arrangements, express or implied, for the surrender or relinquishment of children. This judicial action is intended primarily for those situations where other judicial remedies appear inappropriate."

DEFINITIONS

[8-201(10);
8-546(A)(4);
last amended 1972]

Civil Code

"child"—under 18 years

"dependent child"—"... adjudicated to be:

(a) in need of proper and effective parental care and control and has no parent or guardian, or who has no parent or guardian willing to exercise or capable of exercising such care and control.

(b) Destitute... or whose home is unfit for him by reason of abuse, neglect, cruelty, or depravity by either of his parents... or other person having his custody and care..."
"neglected"—refers to situation in which the child lacks proper parental care necessary for his health, morals and well-being.

"abuse"—infliction of physical or mental injury or causing deterioration of a child and shall include failing to maintain reasonable care and treatment or exploiting or overworking child to such an extent that his health, morals or emotional well-being is endangered.

"abandoned"—failure of parent to provide reasonable support and to maintain regular contact with the child, including the providing of normal supervision. Failure to maintain a normal parental relationship with the child without just cause for 6 months shall constitute prima facie evidence of abandonment.

“dependent person”—... under the age of 18 years:

(a) ... found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering anything for sale;

(e) ... who has no parent or guardian willing to exercise or capable of exercising proper parental control;

(g) ... whose home, by reason of neglect, cruelty or depravity of his parents, or either of them or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place.

(h) ... who frequents the company of reputed criminals, vagrants or prostitutes.

(i) ... who is found living or being in a house of prostitution or assignation.

(m) ... who is in danger of being brought up to lead an idle, dissolute and immoral life, or when both parents are dead, or the mother or father, if living, is unable to provide proper support and care.

Counsel for all parties. Upon request of child, parent, or guardian found indigent, court shall appoint counsel.

Appeal and appointed counsel upon appeal.
Part IV: Digests of Neglect Laws

Procedures:

[8-231] Judge may appoint referee to conduct initial hearing and to transmit written findings and recommendations to judge for disposition.

[8-225] Court may appoint attorney for child in addition to that for parent or guardian if there is a conflict of interest.

[8-234] Stenographic notes of proceedings.

Dispositions:

[8-241(A)] After receiving and considering the evidence on the proper disposition . . . the court may enter judgment . . . It may award a dependent child:

(a) To the care of parents, subject to supervision of the department . . .;

(b) To a suitable institution or an association willing to receive him;

(c) To a reputable citizen of good moral character;

(d) To an appropriate public or private agency licensed to care for children; or to a suitable school;

(e) To maternal or parental relatives, as guardian of the person provided they are physically and financially able to provide proper care.

[8-235] Court may make protective orders and fix responsibility for child’s support.

[8-245] May order physical and mental care and treatment in a hospital or otherwise.

[8-263] May order parents or guardians of child to attend family counselling programs administered by the court.

Length & Effect:

Jurisdiction of court continues until child is 21 years old, unless sooner dismissed.

Penalty for Neglect


Wilful non-support, endangering or encouraging and contributing to the dependency of a child—misdemeanors punishable by fines not exceeding $300, imprisonment in the county jail for not more than 1 year or both. Six months and no fine for non-support; court may direct person so convicted to work upon the county public roadways, or do other public work.

[13-842] Person, with custody of minor under 16 years, who wilfully causes or permits its life to be endangered, its health to be impaired or its moral welfare to be
<table>
<thead>
<tr>
<th>Nature of Report:</th>
<th>Civil—Permissive; non-accusatory; for under age of 18.</th>
<th>CRIMINAL—Mandatory; accusatory; child under the age of 16.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immunity:</td>
<td>&quot;... from any civil or criminal liability by reason of such action, unless such person acted with malice and without probable cause.&quot;</td>
<td>Absolute.</td>
</tr>
<tr>
<td>Penalty:</td>
<td>No.</td>
<td>Failure to report a misdemeanor punishable by a fine not to exceed $100 or by imprisonment or not more than 10 days or both.</td>
</tr>
<tr>
<td>CRIMINAL</td>
<td>$§§ 13-842.01; as added 1964.]</td>
<td></td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>A separate chapter.]</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>Grounds:</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>[8-533]</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>If one or more of the following grounds exist, such as:</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>- abandoned and parent made not any effort to maintain relationship;</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>- parent has neglected or wilfully abused;</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>- parent unable to discharge parental responsibilities because of mental illness or mental deficiency and there are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period;</td>
</tr>
<tr>
<td>Nature of Report:</td>
<td>(See Definitions—&quot;abuse&quot; for what is reportable.)</td>
<td>- parent deprived of his civil liberties due to the</td>
</tr>
</tbody>
</table>
Part IV: Digests of Neglect Laws

conviction of a felony, if felony of such nature as to prove the unfitness of such parent to have future custody and control of child, or if sentence of such length that the child will be deprived of normal home for a period of years;
- parents relinquish rights to agency or have consented to adoption.

Procedures:

"A. . . . court shall set a time and place for hearing and shall cause notice . . . to be given to the petitioner, the parents . . . the guardian . . . any individual standing in loco parentis . . . and the guardian ad litem of any party.
B. Notice . . . by personal service when possible, or by any method authorized . . .
C. Notice and appearance may be waived by a parent . . . The face of the waiver shall contain language explaining the meaning and consequences of the waiver and the termination of parental rights . . . The parent who has executed such a waiver shall not be required to appear.
D. . . . court shall appoint a guardian ad litem for the alleged incompetent parent. The court may, in any other case, appoint a guardian ad litem as may be deemed necessary for any party.
E. The county attorney, upon request of the court, a governmental agency or on his own motion, may intervene . . . to represent the interest of the child."

[8-537]

"A. . . . The general court shall be excluded . . .
B. The court's findings with respect to grounds for termination shall be based upon a preponderance of the evidence under the rules applicable and adhering to the trial of civil cases . . . ."

Dispositions:

[8-538]

"A. Every order . . . shall recite the findings . . . shall be conclusive and binding on all persons from the date of entry.
B. If the court finds grounds . . . it shall terminate such relationship and take one of the following courses. . . ."
1. Appoint an individual as guardian of the child's person.
2. Appoint an individual as guardian of the
child's person and vest legal custody in another individual or in an authorized agency.

C. The court shall also make an order fixing responsibility for the child's support. The parent-child relationship may be terminated with respect to one parent without affecting the relationship between the child and the other parent.

D. Where the court does not order termination . . . it shall dismiss, provided that where the court finds the best interests of the child require substitution or supplementation of parental care and supervision, the court shall make such orders as it deems necessary.

Length & Effect:
[8-539]
Termination order "shall divest the parent and child of all legal rights, privileges, duties and obligations with respect to each other except the right of the child to inheritance and support from the parent. This right of inheritance and support shall only be terminated by a final order of adoption."

May appeal for review of questions of law. Pendency does not suspend order of court regarding a child.

Records:
[8-541]
All records, files, reports to be withheld from public inspection. Violation of confidentiality of records a misdemeanor. Fine not to exceed $500 or imprisonment in county jail for not more than 6 months.

[8-544]
Termination decree of another state to have same force and effect as though granted by court of Arizona.

Special Clauses
[8-201.01] Civil—Neglect Section

Spiritual healing exemption:
"Notwithstanding any other provision of this chapter, no child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner shall, for that reason alone, be considered to be an abused, neglected or dependent child."

[8-207] Waiver of disability:
"An order . . . shall not be deemed a conviction of crime or impose any civil disabilities ordinarily
resulting from a conviction or to operate to disqualify the child in any civil service application or appointment . . . A disposition . . . may not be used against the child in any case or proceeding in any court other than a juvenile court, whether before or after reaching majority, except in disposition proceedings after conviction of a felony for the purposes of a presentence investigation and report."

Civil—Reporting Statute

**Spiritual healing exemption:**
Same wording as in Neglect section.

Termination Chapter

**Guardian ad litem:**

"D. When the termination of the parent-child relationship is sought . . . the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may . . . appoint a guardian ad litem as may be deemed necessary for any party."

**Spiritual healing exemption:**
Same wording as in Civil Neglect and Reporting sections.
ARKANSAS

CITATIONS


PURPOSE CLAUSE

[45-233; last amended 1947 revision]

Civil—Neglect Section

"... shall be liberally construed. ... That the care, custody and discipline of the child shall approximate as nearly as may be that which should be given it by its parents, and in all cases of dependency where it can properly be done, that the child shall be placed in an approved family home, and become a member of a home and family by legal adoption or otherwise, ..."

[42-801; last amended 1967]

Criminal—Reporting Statute

"... to provide for the protection of children who have had physical injury caused ... by abuse or neglect and who are further threatened by the conduct of those responsible for their care and protection. ... "... authorizing the protective services of the state to be brought to bear in an effort to protect the health and welfare of these children and to prevent further abuse."

DEFINITIONS

[45-203; last amended 1965]

"dependent child" or "neglected child"—any person under 18 years, whether married or single:

(a) whose parent neglects or refuses, when able to do so, to provide proper or necessary support and education required by law, or other care necessary for his or her well-being;

(b) who is abandoned or mistreated by parent, ... or other lawful custodian;

(c) whose occupation, environment or association is injurious to his or her welfare;

(d) who is otherwise without proper care, custody of support; or

(e) who by reason of the neglect of his or her parent ... is in the custody of a children's aid society or is being supported by the county or state."

NEGLECT HEARING

Rights:

[45-208]

No right to trial by jury; "By the court without jury."
Part IV: Digests of Neglect Laws

[45-202.2] Appeals from referee’s decision... "may be taken to the judge of the Juvenile Court... as a matter of right... ."

[45-208] Appeals to Circuit Court from the Juvenile Court.

Procedures:

[45-202.1] Judge has... "power to appoint a referee who shall have power to hear and pass on all juvenile cases... ."

[45-215] The defendant's answer... "shall have no greater weight as evidence than the petition. In default of an answer at the time... specified, or at any such further time as by order of the court... petition may be taken as confessed."

[45-216] "... The court may, in case the child is not represented by any person, appoint some suitable person to act on behalf of the child... court may continue the hearing... ."

Dispositions:

[45-222] "The court may, when the health, or condition of the child is found to be dependent, neglected... order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it... ."

[45-228] Court may authorize guardian to consent to the legal adoption of the child, if "upon the hearing shall find that it is the best interest of such child." Such an order, where an adoption proceeding is pending permits a decree of adoption without further notice to or consent by the parent or relatives of such child; "provided, however, that before entering, that

(1) the parents or surviving parent of a legitimate child or the mother of an illegitimate child, or if the child has no parents living, the guardian... or a known or near relative of the child... consent to such order; or

(2) that one parent consents to such order and the other is unfit... or that both parents are, or that the surviving parent or the mother of an illegitimate child is so unfit for any such reasons—the grounds of unfitness being

(a) depravity,
(b) open and notorious adultery or fornication,
Arkansas—continued

(c) habitual drunkenness for the space of one year prior to the filing...
(d) extreme and repeated cruelty...;
(e) abandonment...;
(f) desertion of the child for more than four months next preceding the filing...
(g) . . . if of the age of 14 years or over, consents to such order."

[45-234] If the parent or other who in law is liable to support is able to contribute to the support of such child, "the court shall enter an order requiring such ... court may order such parent, parents or other persons to give reasonable security for the payment..." Order may be altered upon application and notice as court may direct.

Length & Effect:
[45-223] Any child awarded by the court to a guardian, institution or association, “Shall be held subject to any further order of the court ... Guardianship . . . to continue until the court otherwise orders, but not after reaching twenty-one . . .”

Penalty for Neglect
No.

Reportable Under Child Abuse Law
Yes—[Crim. Code §§ 42-801 through 806; last amended 1967.]

[42-802] “... reasonable cause to suspect ... has had serious physical injury or injuries resulting from abuse or neglect ...”

Nature of Report:
Mandatory for (1) below; accusatory for child under 16 years.

(1) Any treating physician or medical attendant of child “brought to him or coming before him for examination or treatment...”

(2) Any other person may report.

Immunity:
Every report is presumed to be in good faith. Immunity applies to any judicial proceeding resulting from such report.

Waivers:
Physician-Patient; Husband-Wife.

Penalty:
A knowing and willful failure to report is a misdemeanor punishable by a fine not to exceed $500 or imprisonment in the county jail for not more than 6 months, or both.
Central Registry: [42-803] "... the Family Services Division of the state welfare department at Little Rock shall maintain a central registry of all abuse reports."

Termination of Parental Rights

Yes—[§ 45-228; as reenacted 1947. See Neglect Hearing—Dispositions.]

Effect of this section is to terminate the relationship although the phrase is not used.

Special Clauses

Civil—Neglect Section

Preference in placement:

"... in committing children, shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parent to said child, or with some association which is controlled by persons with like religious faith of the parents... ."

Waiver of disability:

"A disposition of any child... or any evidence given... shall not, in any civil, criminal or other cause or proceeding... in any court, be lawful or proper evidence against such child... except in subsequent cases against the same child under this act; nor shall the name of any such child in connection with any proceedings... be published in any newspaper, without a written order of the court."

Other

"The county judges... authorized and required to have brought before them all children between the ages of 3 and 15 years whom they know and who are reported to them to live in notorious resorts of bad character, who frequent the company of lewd, wanton or lascivious persons... whose parents live or keep houses of ill-fame... ."

Criminal—Reporting Statute

Spiritual healing exemption:

"... nothing in this Act shall be construed to imply that a child who is being furnished with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination by a duly
Arkansas—continued

accredited practitioner thereof, is for this reason alone a neglected or dependent child within the meaning of this Act."
CALIFORNIA

CITATIONS


PURPOSE CLAUSES

[Nelf. & Inst'ns Code § 502; last amended 1961]

Neglect Section

"... to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in his own home as will serve the spiritual, emotional, mental and physical welfare of the minor and the best interests of the state; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents. This chapter should be liberally construed to carry out these purposes."

Termination Chapter

"The provisions of this chapter shall be liberally construed to serve and protect the interests and welfare of the child."

DEFINITIONS

[Civil Code § 232.5; added 1965]

"dependent child"—"under 18 years

(a) who is in need of proper and effective parental care or control and has no parent or guardian, ... or has no parent or guardian willing to exercise, or capable of exercising such care or control.

(b) who is destitute, or who is not provided with necessities of life, or who is not provided with a home or suitable place or abode.

(c) who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

(d) whose home is an unfit place for him by reason of neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian, or other person in whose custody or care he is."
"neglect"—Willful omission without lawful excuse to furnish necessary clothing, food, shelter or medical attendance or other remedial care for child. Applies to father of either a legitimate or illegitimate minor and if the father is dead, to the mother.

NEGLECT HEARING

Rights:
[658-59]
Notice of hearing must state right to counsel and that if one is unable to afford counsel the court should be promptly notified.

[679; 700]
Before hearing commences, court must inform all parties of right to counsel; right to appointed counsel. Hearing may be continued for 7 days to enable securing counsel.

[800]
All orders appealable; indigent appellant shall be provided a free copy of the transcript.

Procedures:
[675-680]
Court may appoint referee to hear cases and make finding. Judge may request or consent to district attorney representing minor if parent or custodian charged with criminal offense against the minor.

Separate hearing; public not admitted. Conducted in an informal and non-adversary manner. Official court reporter shall take down all testimony, all statements and remarks of the judge.

Dispositions:
[701-725]
The court shall dismiss if child is found not dependent. May order a social study, temporary custody and detention.

If found dependent from "preponderance of the evidence legally admissible in trial of civil cases . . . shall proceed to hear evidence on the question of proper disposition . . ."

[725]
May adjudge child dependent and make ward of court.

[726]
May limit the control to be exercised by a parent or guardian, but no dependent child shall be taken from the physical custody of a parent or guardian unless upon the hearing the court finds one of the following facts:
(a) parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training and education,
(b) the welfare of the minor requires that his custody be taken from his parent or guardian.

Court may make any and all reasonable orders, including medical treatment subject to further order of the court. May order the care, custody, control and conduct of minor to be under the supervision of the probation officer or may commit to the care custody and control of:
(a) some reputable person of good moral character,
(b) some association, society, or corporation embracing within its objects the purpose of caring for such minors,
(c) the probation officer, to be boarded out or placed in some suitable family home or suitable private institution;
(d) any other public agency organized to provide care for needy or neglected children.

If the parent or guardian retains custody of adjudged dependent child, subject to the supervision of the probation officer, “the parent or guardian shall be required to participate in a counselling program to be provided by an appropriate agency designated by the court.”

Unless the court terminates its jurisdiction, “hearing shall be continued to a specific future date not more than one year after the date of such order.” Court may retain jurisdiction until the age of 21.

All orders modifiable as “judge deems meet and proper, subject to procedural requirements imposed by Sections 776 and 782.”

“. . . may be inspected only by court personnel, the minor, . . . his parents or guardian, the attorneys for such parties, and such other persons as may be designated by court order of the judge . . .”

Yes

Cal. Penal Code § 270 (See Definitions—“neglect.” Misdemeanor and punishable by a fine not exceeding $1,000 or by imprisonment in a county jail not exceeding one year or both. A felony
if father out of state 30 days or fails to comply with a court order to provide support.

No


Any person under 18 years may be declared free from the custody and control of either or both of his parents, if any of the following occur:

(1) Left without provision for identification in the care and custody of another for 6 months, or left by one parent in the care and custody of other parent for one year without any provision for support or without communication. Such failure "presumptive evidence of the intent to abandon."

(2) Is cruelly treated or neglected by either or both of his parents, and if declared a dependent child of the juvenile court and parents have been deprived of custody for one year.

(3) Parent(s) suffer a disability because of habitual use of alcohol or any of the controlled substances, or are morally depraved, if child is dependent and parents have been deprived of custody for one year.

(4) Parent(s) convicted of a felony of such nature to prove the unfitness of such to have future custody and control, or if the sentence is so long that child will be deprived of normal home for period of years.

(5) Parent(s) judicially declared mentally deficient or mentally ill.

(6) Parent(s) incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness.

(7) In foster care for two or more consecutive years and "court finds beyond reasonable doubt that return of the child to his parent(s) would be detrimental to the child and that the parent or parents have failed . . . and are likely to fail in the future to

(i) provide a home. . . .
(ii) provide care and control...
(iii) maintain an adequate parental relationship with the child."

**Rights:**

[237.5; 238]

Minor and parents have right to counsel and to appointed counsel if unable to afford. Right to appeal.

**Procedures:**

[234; 235]

Court shall give notice of hearing to all interested parties. No service required if parents have relinquished child for adoption.

[237]

"... the court may appoint some suitable party to act in behalf of such minor person and may order such further notice of the proceedings to be given as the court deems proper."

[233]

Court shall direct juvenile probation officer or other designee to investigate the circumstances alleged. Officer shall submit a written report with recommendations to the court of the proper disposition "in the best interest of said minor."

[235.5]

"Unless requested by the minor . . . and any parent or guardian present, the public shall not be admitted . . . The judge may . . . admit such . . . as he deems to have a direct and legitimate interest . . ."

**Effect:**

[238]

"... conclusive and binding . . . After making such order and judgment, the court shall have no power to set aside, change, or modify it, but nothing . . . shall be construed to limit the right to appeal . . ."

[239]

"If the court . . . declares a minor person free from the custody and control of both parents . . . the court shall at the same time appoint a guardian of such minor person."

**Special Clauses**

[505]

Neglect Section

*Preference in placement:*

"All commitments . . . so far as practicable, either to institutions or for placement in family homes of same religious belief as person so committed or of his parents or to institutions affording opportunity for instruction in such religious beliefs."
Waiver of disability

"... order adjudging ... minor ... ward of the juvenile court shall not be deemed a conviction of a crime for any purpose nor shall a proceeding ... be deemed a criminal proceeding."

Appointment of Counsel:

Termination Chapter

"... the court may appoint some suitable party to act in behalf of such minor person and may order such further notice of the proceedings to be given as the court deems proper."
COLORADO

CITATIONS


PURPOSE CLAUSE

[22-1-2; last amended 1967]

“(b) To secure to each child . . . such care and guidance, preferably in his own home, as will best serve his welfare and the interest of society;

(c) To preserve and strengthen family ties whenever possible, including improvement of home environment;

(d) To remove a child from the custody of his parents only when his welfare and safety or protection of the public would otherwise be endangered; and

(e) To secure for any child removed from the custody of his parents, the necessary care, guidance, and discipline to assist him in becoming a responsible and productive member of society.

(2) To carry out these purposes the provisions this chapter shall be liberally construed.”

DEFINITIONS

[22-1-3; last amended 1967]

“(3) ‘Child’—under 18 years of age . . .”

“(19) (a) ‘Neglected or dependent child—means a child:

(b) Whose parent, guardian or legal custodian has abandoned him or has subjected him to mistreatment or abuse, or whose parent, guardian or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.

(c) Who lacks proper parental care through the actions or omissions of the parent, guardian or legal custodian;

(d) Whose environment is injurious to his welfare;
Colorado—continued

(e) Whose parent, guardian, or legal custodian fails or refuses to provide proper or necessary subsistence, education, medical care or any other care necessary for his health, guidance or well-being; or

(f) Who is homeless, without proper care, or not domiciled with his parent, guardian or legal custodian through no fault of his parent, guardian or legal custodian."

“(11) ‘Termination of parental rights’ . . . the permanent elimination by court order of all parental rights and duties, including residual parental rights and responsibilities.”

“(8) ‘Residual parental rights and responsibilities’ . . . including, but not necessarily limited to the responsibility for support, the right to consent to adoption, the right to reasonable visitation unless restricted by the court, and the right to determine the child’s religious affiliation.”

Reporting statute

“(4) ‘Abuse’ . . . any cases in which a child exhibits evidence of skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive, or death and such condition or death is not justifiably explained . . .”

Neglect hearing

Rights

The child, his parents, guardian or other legal custodian on first appearance “shall be fully advised . . . of their constitutional and legal rights, including, the right to a jury trial . . . the right to be represented by counsel at every stage of the proceeding . . .”

If without sufficient means, appointed counsel when termination of parental rights is stated as a possible remedy.

If court deems in the best interest of the child or other parties, may appoint without request.

Unless a trial by jury of not more than 6 is demanded, it is waived, though court on its own motion may order.
Although referees can conduct hearings; parties have right to trial by judge. If right is waived, referee's findings and recommendations are binding.

Guardians ad litem may be appointed for any parent adjudicated mentally ill or mentally deficient; for any child, if it is determined that he has no guardian of his person; and for any child in a proceeding alleging abuse. Court may also appoint if it finds there may be a conflict of interest between the child and his parents.

Appeals from any order, decree or judgment, except as provided in 22-1-6(4).

Procedures:

Judge may appoint referees to hear any case except where a jury trial has been requested. Referee must be a licensed attorney.

Informal hearing; general public shall not be excluded unless the court determines "in the best interest of the child" to exclude.

Verbatim records in all cases that might lead to deprivation of custody and in all others, unless waived by the parties and so ordered by the judge or referee. Colorado rules of juvenile procedure apply. Shall consider whether allegations supported by a "preponderance of the evidence... evidence that a child abuse or non-accidental injury has occurred shall constitute prima facie evidence that such child is neglected or dependent and such evidence shall be sufficient to support an adjudication under this section."

On the basis of the preliminary investigation, court may:

- decide no further action is necessary;
- authorize a petition to be filed;
- make informal adjustment without petition.

Six month limit on informal adjustment efforts.

If allegations not supported, shall order petition dismissed and child discharged from any detention or restrictions. When supported, but before adjudication, court may continue hearing, allow child to remain in temporary custody of another or an agency subject to conditions of conduct and of visitation or supervision by a probation counsellor.
Such continuance no longer than 6 months without review. Upon review, may continue for no more than 6 months, after which petition shall be dismissed or sustained.

Court may make order of protection requiring reasonable conditions of behavior to be observed for any specified period by the parent, guardian or any other person party to a proceeding, including cooperation in good faith with an agency, performing legal obligation of support, abstaining from offensive conduct.

When adjudication decree does not terminate rights, it shall include one or more of the following:
- placement in legal custody of one or both parents or guardian, with or without protective supervision,
- placement in legal custody of relative or other suitable person;
- placement with the county department of public welfare or child placing agency;

Court may order examination or treatment by physician, surgeon, psychiatrist, psychologist, or that receive other special care and may place in hospital or other suitable facility.

Court may terminate parental rights when it finds that the “best interests of the child” so require, and child adjudicated neglected because he has been willfully abandoned by his parent or parents . . . “if it finds that the parent or parents having legal custody have surrendered physical custody for a period of at least six months and during this period have not manifested to the child or the person having physical custody, a firm intention to resume physical custody or to make arrangements for the care of the child.”

Upon entry of a decree terminating all parental rights of one or both parents, of the sole surviving parent, or the mother of the child born out of wedlock, the court may
- vest legal custody and guardianship in the county department of public welfare or a child placement agency for the purpose of adoption; or
- make any order disposition provided in this section that the court finds appropriately;
- may leave legal custody in the other parent and discharge.

Court may grant a new hearing or modify the disposition, except as to the termination of parental rights.

“(b) Unless there is an appeal from a decree terminating the rights of one or both parents, the decree terminates permanently the legal parent-child relationship and all the rights and duties, including residual parental rights and duties, of the parent or parents involved.”

Length & Effect:

- . . . except as otherwise provided . . . shall continue until he comes 21 years of age, unless terminated by court order. “All prior orders, decrees remain in full force and effect until modified or terminated.”

Open to parents, guardians, attorneys or other parties in proceedings and to any agency to which legal custody has been transferred, with consent of the court.

Penalty for Neglect

No.

Reportable Under Child Abuse Law

Yes—[§§ 22-10-1 through -8; last amended 1971.]

“... has reasonable cause to believe that a child has been subjected to conditions or circumstances which reasonably would result in abuse . . .”

(Note: DEFINITIONS—“neglected or dependent child” which includes abuse.)

Nature of Report: Mandatory; non-accusatory; for under the age of 18.

Immunity: “Any person participating in an investigation or the making of a report . . . or participating in a judicial proceeding . . . immune from any liability, civil or criminal that might otherwise be incurred or imposed, except for maliciously false statements.”

Waivers: Physician-Patient; Husband-Wife.

Penalty: No.

Central Registry: “(1) . . . shall be established a state registry of child protection in the division of public welfare of
the department of social services. . . files shall be confidential subject to rules and regulations adopted by the state board of social services.

(2) The state board of social services shall have the power to make all necessary rules and regulations regarding the operation of the . . . registry and procedures for disclosure of information in the files . . .”

Yes—§ 22-3-11(2), (3), (5); last amended (See HEARING: Dispositions).]

“(a) The juvenile court may, upon petition, terminate all rights of a parent or parents in a child in:

(b) Proceedings under Section 22-1-4 (1) (d), by which . . . determined the child neglected by one or both parents or . . . dependent, or

(c) Proceedings under Section 22-1-4 (1) (f) . . . a mother or father jointly or either of them severally, or the mother only in the case of illegitimate children, voluntarily relinquishes all the parental rights . . .”

Neglect Section
Guardian ad litem:

“(2) . . . court shall appoint for any parent who has been adjudicated mentally ill or mentally deficient except that if a conservator has been appointed . . . may serve . . . , if not . . . he shall be informed that a guardian ad litem has been appointed.”

“(3) At the time any child first appears, if it is determined that he has no guardian of his person, court shall appoint a guardian of the person.”

“(4) In all proceedings brought for protection of a child suffering from abuse or non-accidental injury . . . a guardian ad litem shall be appointed for such child . . .”

Spiritual healing exemption:

“Notwithstanding any other provision . . . no child who in good faith is under treatment solely by spiritual means through prayer in accordance with tenets and practices of a recognized church or religious denomination by a duly accredited practi-
tioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter."

[23-3-11(4)] Preference in placement:

"In placing . . . a child with an individual or a private agency, the court shall give primary consideration to the welfare of the child, but shall take into consideration the religious preferences of the child or of his parents, whenever practicable."

[22-1-9] Waiver of disability:

"No adjudication or disposition shall impose any civil disability upon a child or disqualify him from any civil service, military service or appointment or holding of public office. Nor is anything from . . . a proceeding admissible against a child in any criminal or other action except in subsequent [neglect] proceedings concerning the same child."

[22-1-8(3)] Reporting Statute

Guardian ad litem:

"The court in every case . . . of abuse . . . shall appoint a guardian ad litem for the child . . . The guardian ad litem shall in general be charged with the representation of the child's interests. To that end he shall make such further investigation as he deems necessary to ascertain the facts, interview witnesses, examine and cross-examine witnesses in both the adjudicatory and dispositional hearings, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree appropriate for adequately representing the child."
CONNECTICUT

CITATIONS


PURPOSE CLAUSE

[17-38a; last amended 1973]

Reporting Statute

“(a) . . . to protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary and for these purposes to require the reporting of suspected abuse, investigation of such reports by a social agency and provision of services, where needed, to such child and family.”

DEFINITIONS

[17-53; last amended 1971]

“child” any person under 16 years

“a child may be found ‘neglected’ who

(a) has been abandoned or

(b) is being denied proper care and attention, physically, educationally, emotionally or morally or

(c) is being permitted to live under conditions, circumstances or associations injurious to his well-being; a child may be found ‘uncared for’ who is homeless.”

[17-32a; last amended 1974]

“termination of parental rights”—“complete severance by court order of the legal relationship with all its rights and responsibilities between child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of such child or the religious affiliation of such child.”

NEGLECT HEARING

Rights:

[17-66b]

Counsel and appointed counsel if unable to afford for parent or parents or guardian. Counsel and parent, parents or guardian rights of confrontation and cross-examination.

[17-70]

Appeal
Procedures:

[17-66c] "In any proceeding, even in the presence of request, judge may provide attorney to represent the child, his parent or parents, guardian or other if judge determines that the interest of justice so requires."

[17-67] "... may exclude from the room ... any person whose presence is, in the court's opinion not necessary . . ."

[17-38a(f)(4)] "... evidence that the child has been abused or has sustained a non-accidental injury shall constitute prima facie evidence that shall be sufficient to support and adjudication . . . neglected."

Dispositions:

[17-59; 17-62] May order temporary care, custody and support; may order examination of the child. If the physical or mental ability of a parent or guardian is at issue, may order a thorough physical or mental examination of them.

Upon finding and adjudication of "neglect" may commit to public welfare commissioner or agency. Commissioner then the guardian of the child until he reaches 18 or another guardian is legally appointed.

May terminate parental rights over child if the petition brought by the welfare commissioner pursuant to Section 17-62a seeking adjudication as neglected child, was also accompanied by petition to terminate and proper notice to parties was given. (See Termination of Parental Rights.)

Records:

[17-57a] "... shall keep records, including studies and reports by probation officers, social agencies and clinics; shall be confidential and for the use of said court, and open to inspection or disclosure to any third party only upon order of said court, except . . . shall be available to the attorney representing the child, his parents or guardian . . ."

Penalty for Neglect

Yes—[§ 17-38a; last amended, 1974.]

Reasonable cause to suspect or believe that any child . . . has had physical injury or injuries inflicted upon him other than by accidental means or has injuries which are at variance with the his-
Connecticut—continued

tory given . . . , or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities or cruel punishment . . .”

Nature of Report: Mandatory; non-accusatory; for under the age of 18.

Immunity: If reported in good faith and applies to any judicial proceeding resulting from such report.

Waivers: Husband-Wife only.

Penalty: Failure to report punishable by a fine not to exceed $500.

Central Registry:
[17-38a (g)]

“The welfare commissioner shall maintain . . . shall adopt regulations to permit the use of the registry on a twenty-four-hour daily basis to prevent or discover abuse of children. The information contained in the reports shall be confidential, subject to such regulations.”

Termination of Parental Rights

Yes—[§ 17-43a; last amended 1974. (See Hearing: Dispositions).]

Grounds:
[17-43a]

The welfare commissioner may petition the court for termination, including revocation of commitment of child when deemed in the best interest of the child and when there is a finding that for not less than one year:

“(1) The parents have abandoned the child in the sense that they have failed to maintain a reasonable degree of interest, concern or responsibility as to the child’s welfare; or

(2) the parents have failed to achieve any such degree of personal rehabilitation as would reasonably encourage the belief that at some future date they could assume a responsible position in their child’s life; or

(3) the parents, by reason of continuing physical or mental deficiency have, and for such periods of time as will be detrimental to the best interest of the child, will be unable to provide him with the care, guidance and control necessary to his physical, educational, moral and emotional well-being; or
(4) there is no ongoing parent-child relationship, which means the relationship that ordinarily develops as a result of a parent having met on a day to day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of such parent-child relationship would be detrimental to the best interest of the child; or

(5) that both parents, or the sole parent . . . have consented to termination . . . The court may waive the requirements that one year expire prior to the termination of parental rights if it finds from the totality of the circumstances surrounding the child that such a waiver is necessary to promote the best interest of the child.”

Notice to the parent(s) of a minor, including any who have been removed as guardian(s) on or after Oct. 1, 1973; the father of any child born out of wedlock, if he has acknowledged the child, in writing, or has been adjudicated the father, or has regularly contributed support; the guardian(s) or to any whom the court deems appropriate; and the welfare commissioner. Notice also to child if over 14 years of age. All above have right to appear and to be heard.

Guardian ad litem appointed for any parent who is a minor or incompetent.

In all contested cases, court shall request a social investigation. Report admissible in evidence, subject to the right of any interested party to require person making it to appear as a witness.

Where parental rights of only one parent are terminated, the remaining parent shall be the sole parent and natural guardian. Court may enter decree terminating rights of any parent or punative father consents to termination and waives notice. Court may appoint a statutory parent who may later resign or be removed for good cause.
Connecticut—continued

appointed by the court to speak in behalf of the best interests of the child, which counsel shall be knowledgeable about the needs and protection of children . . .”

[17-38a (d)]

Other:

“Any physician examining a child . . . abuse is suspected, after reasonable attempts to advise the parents, guardian or other person having responsibility for the care of the child . . . has the right to keep such child in the custody of a hospital for no longer than ninety-six hours, with or without the consent of his parents, guardian or other persons having responsibility . . . pending the study of the family and home by the welfare agency concerned or the filing of a petition to the juvenile court . . .”

[P.A. 74-164, § 5]

Termination Section

Guardian ad litem:

“Whenever . . . it appears that either parent . . . is a minor or incompetent the court shall appoint a guardian ad litem for such parent, which guardian shall be an attorney-at-law . . .”
**DELAWARE**

**Citations**

**Purpose Clauses**

[10-902; last amended 1971]

Delaware Code Ann. tit. 10, § 901 et seq. (Rev. 1974)
—Neglect; tit. 11, § 1101 et seq. (Rev. 1974)—Criminal Neglect; tit. 16, § 1001 et seq. (Rev. 1974)—Reporting.

**Definitions**

[10-901; 1971]

**Neglect Section**

“(a) In the firm belief that compliance with the law by the individual and preservation of the family as a unit are fundamental to the maintenance of a stable, democratic society... one court shall have original statewide civil and criminal jurisdiction over family and child matters and offenses... to provide for each person coming under its jurisdiction such control, care and treatment as will best serve the interests of the public, the family and the offender, to the end that the home will, if possible remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.

(b) ... shall be liberally construed.”

**Reporting Statute**

“... to provide for comprehensive protective services for abused, neglected, exploited and abandoned children found in the state by requiring that reports of such children be made to the appropriate public authorities in an effort to prevent further abuse, neglect or injury and to assist those children and their parents of those persons legally responsible for them in their own homes, to aid in overcoming the problems leading to the abuse, neglect and exploitation, thereby strengthening parental care and supervision and enhancing their welfare and preserving the family life whenever feasible...”

**Civil—Neglect Section**

“child”—a person who has not reached his 18th birthday. “neglected child” means a child whose custodian refuses to provide him with adequate care. “adequate care” means a type or degree of personalized attention that will tend to advance a
Delaware—continued

child’s physical, mental, moral, emotional and general well-being.

Criminal—Neglect Section

"neglected child" means any child who is abandoned by parent, guardian or custodian; or whose parent, guardian or custodian cruelly abuses or intentionally neglects him or refuses to provide proper or necessary subsistence, education, or other care necessary for his health, morals or well-being.

Neglect Hearing

Rights:

Judge may appoint master to hear case. Review de novo by judge upon written request within 10 days from master’s announcement of findings and recommendations.

Any order, ruling, decision or judgment appealable to Superior Court within 30 days from date of disposition.

Appellant shall give bond with or without surety. In case of indigency, court may, in its discretion waive the surety for costs upon affidavit that funds and means to prosecute the appeal are lacking.

Procedures:

All proceedings private and may within the discretion of the judge be informal, but consistent with decorum and the law.

Prosecution of adults by information, without indictment by grand jury or trial by petit jury.

“(a) Following commencement of any action concerning a child, the child and his custodian shall be brought into the court by summons or other process.”

“(d) Where no custodian or interested close relative can be located, the court may make such interim order as the interest of the child may require.”

Dispositions:

Pending adjudication, may release child to his custodian; or where welfare of child requires, may place in the care of the department of health and social services or any suitable person or agency, provided that if placed with other than a relative,
court shall require a social investigation.

Where evidence supports finding child neglected, court may:

(1) Defer the proceedings pending further investigation, medical or other;
(2) Allow child to remain in his own home with or without court supervision;
(3) Grant custody to any person or agency; to department of health and social services for foster home placement; and prescribe such other treatment, as would best serve the needs of the child and society.

May order support.

In adult criminal proceedings, where facts warrant, court may adjudge adult guilty of offense charged, impose penalty or suspend and place on probation.

In any adult civil action, court may award the custody of the child to any party to the action, establish visitation rights, and in a proper case, order payment of support for the child. May order custodian to exercise such care and perform such acts as may be reasonably necessary to insure that the child obeys the law and receives adequate care. May commit a mentally ill, a retarded or disturbed adult for observation or treatment to any appropriate institution. Or may order individual or family counseling with the court staff or with any appropriate counseling agency.

May order any person within court's jurisdiction examined by licensed practitioner in the appropriate field.

All orders modifiable. Jurisdiction over the child until age 21.

Three years after the adjudication of the status of a child under 18 years or when a child intends to enlist, may pray for order to expunge the records of all evidence.

All records concerning any child shall be made duly available to the Superior Court and the department of health and social services.

Yes—[Tit. 16, §§ 1001-1006; last amended 1971.]
Criminal—Effective April 1, 1973.
Abandonment and Class A misdemeanors
## Delaware—continued

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<tr>
<th>Section</th>
<th>Nature of Report:</th>
<th>Immunity:</th>
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<th>Termination of Parental Rights</th>
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<tr>
<td>[11-1102]</td>
<td>(Endangering the welfare)</td>
<td>&quot;... knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child... Intentionally does or fails to do any act with result that child becomes a neglected child...&quot;</td>
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<td>No.</td>
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<tr>
<td>[11-4206; 4207]</td>
<td>Sentence not to exceed 2 years; fine not to exceed $1,000; and such conditions as the court may order for Class A misdemeanor.</td>
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<tr>
<td>[11-1104]</td>
<td>Spiritual healing made an affirmative defense. (See Special Clauses.)</td>
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<tr>
<td><strong>Reportable Under Child Abuse Law</strong></td>
<td>Yes—[tit. 16, §§ 1101 through 1006; last amended 1971.]</td>
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<td>[16-100]</td>
<td>&quot;... serious physical injury inflicted upon him by other than accidental means, or whose physical or emotional condition gives indication of other serious abuse, or maltreatment, mistreatment, or non-treatment...&quot;</td>
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**Nature of Report:** Mandatory; non-accusatory; for child under age of 18.

**Immunity:** From criminal and civil liability if reported in good faith and applies to any judicial proceeding resulting from such report.

**Waivers:** Any privilege provided by law or a code of ethics regarding practitioner-client confidences, except the attorney-client one.

**Penalty:** A knowing and willful violation is punishable by a fine not to exceed $100 and/or imprisonment of not more than 15 days.

**Central Registry:** Division of social services to maintain files in each county. Information confidential, subject to the rules and regulations adopted by the division. Forms to be kept so as to maintain a statewide central registry of all reports made in the state.

**Special Clauses**

- **[10-937(b)(9)]**
  - Civil—Neglect Section
  - Preference in placement:
    "... Preferably of the child's religious faith or
that of his parents."

Waiver of disability:
“(c) No adjudication upon the status of a child . . . deemed a conviction . . .
(d) Neither the adjudication nor any evidence given in any case shall be admissible against such child in any future civil or criminal proceeding in any court for any purpose other than a presentence investigation ordered by this or any other court.”

Criminal—Neglect Section
Spiritual healing exemption:
“. . . it is an affirmative defense that the accused is a member or adherent of an organized church or religious group, the tenets of which prescribe prayer as the principal treatment for illness, and treated or caused the ill child to be treated in accordance with those tenets, provided that the accused may not avail himself of this defense when he has violated any laws relating to communicable or reportable diseases and to sanitary matters.”

Civil—Reporting Statute
Spiritual healing exemption:
“No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination and by a duly accredited practitioner thereof shall, by that reason alone, be considered a neglected child for purposes of this chapter.”

Reporting Statute

"... to provide for protection of children who have had physical injury inflicted upon them or who have suffered harm due to neglect ... thereby causing the protective services ... to be brought to bear to protect the health and welfare of these children to prevent further abuse and preserve the family life whenever possible."

"child"—one under 18 years of age.

“(9) The term 'neglected child' means a child—
(A) who has been abandoned or abused by his parent, guardian or other custodian;
(B) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health, and the deprivation is not due to the lack of financial means of his parent, guardian or other custodian;
(C) whose parent, guardian or other custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or
(D) who has been placed for care or adoption in violation of law."

“(22) The term ‘residual parental rights and responsibilities’ means those rights and responsibilities remaining with the parent after transfer of legal custody or guardianship of the person, including (but not limited to) the right of visitation, consent to adoption and determination of religious affiliation and the responsibility for support."

"... the parent, guardian or custodian of the child named ... entitled to be represented by counsel at all critical stages ... and if financially unable to attain adequate representation, to have counsel appointed in accord with rules established
Part IV: Digests of Neglect Laws

[16-2327; 2328] Appeal; Transcript upon appeal.

Procedures:

Heard without a jury; proceedings recorded; general public excluded; child may be temporarily excluded.

"... where appropriate appoint separate counsel to represent child."

"(b) After fact-finding on the allegations, if the Division finds that neglect is not established by the preponderance of the evidence, the Division shall dismiss and order child released from any detention.

(c) If neglect is established, after notice is given, shall hold a dispositional hearing."

Dispositions:

May order physical and mental examination of child.

Order remain with parent, guardian or custodian, subject to conditions and restraints, including but not limited to medical, psychiatric or other treatment, out-patient; or may commit for medical, psychiatric or other treatment at appropriate facility on in-patient basis. May place child under protective supervision; transfer legal custody to public agency, private child placing or other organization; or relative or other suitable individual. May order the mental or physical examination of the parent, guardian or custodian of the child whose ability to care for the child is at issue. May make such other disposition as provided by law and deemed in the best interests of the child and the community.

Length & Effect:

All orders modifiable.

Remain in force an indeterminate period, not to exceed 2 years, unless earlier time specified.

Protective service order—1 year;

Custody to individual other than parent—2 years, unless sooner terminated by order of Division. Legal custody vested in agency or institution, may be extended for additional year periods in case of neglected child when extension is necessary to safeguard his welfare.
Orders unless terminated, in force until child reaches 21 years.

Records: Confidential
[16-2330 to 16-2334] Upon reaching majority, the records of a neglected child may be sealed; or upon 2 years after final discharge from legal custody or supervision.

[16-2335] Willful disclosure and violation of above sections, a misdemeanor and upon conviction thereof, fined not more than $250 or imprisoned not more than 90 days or both.

Penalty for Neglect: No.

Reportable Under Child Abuse Law: Yes—[§§ 2-161 through -166; last amended 1966.]

Nature of Report: Mandatory; non-accusatory; for child under 18 years.

Immunity: From criminal and civil liability if reported in good faith. Applies to any judicial proceeding resulting from such report.

Waivers: “... neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence ... provided that the Juvenile Court determines such privilege should be waived in the interest of public justice.”

Penalty: No.

Central Registry: No statutory provision. Youth Division of Metropolitan Police Department maintains a registry as a matter of administrative policy.

Termination of Parental Rights: No.

Special Clauses: Neglect Section

Spiritual healing exemption: “... no child who in good faith is under treatment
solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this subchapter."

[16-2318]

Waiver of disability:
"A consent decree, order or adjudication or order of disposition . . . is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction nor does it operate to disqualify a child in any future civil service examination, appointment or application for public service in either the government of the United States or of the District of Columbia."

[2-166]

Reporting Statute

Spiritual healing exemption:
Same language as in Neglect section above.
FLORIDA

CITATIONS


PURPOSE CLAUSES

[39.001; as amended 1973]

Civil—Neglect Section

"(2) To assure all children . . . the care, guidance and control, preferably in each child’s own home, which will conduce to the child’s welfare and the best interests of the state;

(3) To assure that a child removed from the control of the . . . parent shall receive care, custody, and discipline as nearly as possible equivalent to that which should have been given . . . by the parent and, in all cases in which a child must be permanently removed from the custody of his parents, that the child be placed in an approved home and be made a member of the family by adoption; and

(4) To provide procedures . . . which will assure the parties fair hearings at which their rights as citizens are recognized and protected.

. . . expressed intent . . . that this chapter be liberally interpreted and construed in conformity with its declared purpose."

[828.041(2); last amended 1971]

Criminal—Reporting Statute

". . . to provide for the detection and correction of the abuse or maltreatment of children who are unable to protect themselves. Such abuse or maltreatment includes neglect, malnutrition, the infliction of severe physical injury other than by accidental means, and failure to provide necessary treatment, attention, sustenance, clothing, shelter, or medical services."

DEFINITIONS

[39.01(10); last amended 1973]

Civil—Neglect Section

"child"—any married or unmarried person under the age of 18 years.

"dependent child"—means one:

(1) who is abandoned by his parent, or other custodian;
Part IV: Digests of Neglect Laws

(2) who for any reason is destitute, homeless, dependent upon the public for support; or
(3) who has not proper parental support, maintenance care or guardianship; or
(4) who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological or other care necessary for the well-being of the child; or
(5) whose condition or environment are such as to injure or endanger the welfare of the child or the welfare of others; or
(6) who is living in a home, by reasons of neglect, cruelty or depravity, or other adverse condition, on the part of the parent, legal custodian, guardian or other in whose care the child may be, is an unfit place for the child.

Criminal—Reporting Statute

“child”—one under 17 years of age.

“(b) ‘abuse’ or ‘maltreatment’ includes neglect, malnutrition, severe physical injury inflicted other than by accidental means, and failure to provide sustenance, clothing, shelter, or medical attention . . .”

Neglect Hearing

Rights:
[39.001; 39.09]
[39.14]

Counsel for all parties.

Appeal of any order to appropriate district court.

Procedures:
[39.04]

Any complaint may be handled by intake officer and referred for voluntary treatment if deemed in the best interest of the child and the public.

[39.09]

Conducted by judge without jury, applying rules of evidence used in civil cases—preponderance of the evidence. Open to the public, although in the discretion of the judge to close hearing when in the best interest of child.

“In any event, all hearings involving unwed mother’s custody of placement of illegitimate children shall remain confidential and closed to the public . . .”

[39.12(2)]

Court shall keep stenographic records.
Florida—continued

**Dispositions:**

[39.03; 39.06(5)] May make temporary orders for custody and shelter, but dependent youth not to be detained with delinquent youth.

[39.08] May order medical, psychiatric and psychological examination and treatment and the placement in a suitable place for such before adjudication, with consent of the parent, and after adjudication of dependency without such consent.

[39.10] If child found not dependent, judge shall dismiss. If found dependent, judge shall incorporate findings in an order, briefly stating the facts upon which the finding is made. "... the court shall thereafter have full jurisdiction to deal with child as a dependent . . ."

[39.11(2)(a)] "... the court . . . shall have the power, by order to;

(a) Place a child under the protective supervision of the authorized agent of the division of family services, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the judge may direct. . . .

(b) Commit the child to a licensed child-caring institution willing to receive the child, but shall not commit the child to a jail or to a facility otherwise used primarily as a detention home or shelter.

(c) Commit the child to the temporary legal custody of the division of family services. . . .

(d) Permanently commit the child to the division of family services or a licensed child-placing agency . . .

(See Termination of Parental Rights.)

(e) Order the natural or adoptive parents . . . or the natural father of an illegitimate child who has acknowledged his paternity in writing before the judge, or the guardian of such child's estate . . . to pay the person or institution having custody . . . reasonable sums of money at such intervals as the court may consider adequate and proper for the care, support, maintenance, training, and education of such child. . . ."
**Length & Effect:**

[39.11(2)(a)] May change or modify or continue any placement order.

[39.11(2)(c)] Temporary legal custody "... shall invest in the division all rights and responsibilities of a legal custodian ... The division shall not return any child to the physical care and custody of the person from whom he was removed, except for short visitation periods, without the approval of the court."

[39.11(7)] A permanent order of commitment deprives the parents and legal guardian of any right to the child. *(See Termination of Parental Rights.)*

[39.11(8)] "The court may at any time enter an order ending its jurisdiction over any child."

[39.02] Jurisdiction over any dependent child continues until child reaches eighteen years of age, unless relinquished by court order.

**Records:**


"(2) ... shall preserve the records ... until ten years after the last entry ... , or until the child is twenty-one ... whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a child shall be preserved permanently; ... ."

**Penalty for Neglect**


"Whoever negligently deprives of necessary food, clothing or shelter any person under 16 years, and whoever negligently and without malice deprives of necessary sustenance or raiment, or negligently and without malice deprives of necessary treatment and attention his child or ward, guilty of a misdemeanor of the second degree and punishable. . . ."

(Note: Sections 775.082 and .083—Fine of $500; and/or a term in the county jail not exceeding 60 days.)

**Reportable Under Child Abuse Law**

Yes. [Criminal Code § 828.041; last amended 1973.]
Florida—continued

[828.041(4)]

“. . . has reason to believe that a child has been subject to abuse. . . .”

(See Definitions for meaning of “abuse”.)

Nature of report: Mandatory; accusatory; for child under the age of 17.

Immunity:

For anyone participating in the making of a report, presumed prima facie to be acting in good faith and immune from any liability, civil or criminal, that otherwise might be incurred.

Waivers:

Physician-patient; husband-wife; and any other privilege except attorney-client.

Penalty:

A knowing and willful violation constitutes a misdemeanor of the second degree. (See Penalty for Neglect.)

Central Registry:

Maintained by department.

Termination of Parental Rights

Yes—[§§ 38.11(2)(d); .11(6), (7); last amended 1973.]

Grounds:

[39.112(d)]

“. . . if the court finds that the child has been abandoned by the natural parent or parents, and legal guardian, if any, of the child; or that the parent or parents, and legal guardian . . . have substantially and continuously or repeatedly refused, or though financially able have neglected, to give the child parental care and protection; or the parent or parents, and legal guardian . . . are unfit by reason of their conduct or condition which is seriously detrimental to the child’s welfare; or if the parent or parents have voluntarily executed a written surrender of the child for subsequent adoption . . . ; and if the court finds that it is manifestly to the best interest of the child to do so.”

Rights & Procedures:

[39.11(6)]

Same as under Neglect Hearing.

Notice must be served upon the known living parents and legal custodians specifying that a petition has been filed for the permanent commitment of the child to a licensed child-placing agency or the division of family services.
Notice may be waived in the discretion of the judge when parents execute before two witnesses and a notary public a written surrender of the child to a licensed child-placing agency or the division of family services.

**Effect:**

*39.11(7)*

"... A permanent order of commitment...shall permanently deprive the parents and legal guardian of any right to the child. In any subsequent adoption proceedings the parents and legal guardian shall not be entitled to knowledge at any time after the permanent order of commitment... of the whereabouts of the child or of the identity or location of any person having the custody of or having adopted the child... .The entry of the permanent order... shall not entitle the licensed child-placing agency or division... to guardianship of the estate or property of the child, but the... agency or division... shall be the guardian of the person of the child, and the court shall no longer exercise jurisdiction over the child after entry of such order."

**Special Clauses**

Civil—Neglect Section

*39.10(4)*

**Waiver of disability:**

"An adjudication by a juvenile court that a child is a dependent... shall not be deemed a conviction, nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication; or shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction, nor to disqualify or prejudice the child in any civil service application for appointment."

*39.14(50)*

**Other:**

"The taking of an appeal shall not operate as a supersedeas in any case, except that a permanent order of commitment... for subsequent adoption shall be suspended while the appeal is pending, but the child shall continue in custody under the order until the appeal is decided."
Florida—continued

Criminal—Reporting Statute

[828.04(3)]

Other:
"In consideration of physical injury, the following items shall be considered evidence of maltreatment before the report is required:
(a) Characteristic distribution of fractures;
(b) Disproportionate amount of soft tissues injury;
(c) Evidence that injuries occurred at different times or are in different stages of resolution;
(d) Cause of recent trauma in question;
(e) Family history;
(f) History of previous episodes; and
(g) No new lesions occurring during child's hospitalization or removal from custody of a parent or caretaker."

[828.04(7)]

Other:
"The information contained in the registry shall not be open to inspection by the public. However, appropriate disclosure may be made for use in connection with the treatment of the abused child, or person perpetrating abuse, and to counsel representing the person in any criminal or civil proceeding. Information contained in the registry may also be available for purposes of significant research relating to child abuse. The department shall not make such information available, however, unless application is made by a researcher or research agency of professional repute, and unless the need for the records and the significance of the research for which they are to be used have been demonstrated to the satisfaction of the department. Records shall not be opened . . . unless adequate assurances are given that patients' names and other identifying information will not be disclosed by the applicant."
**Part IV: Digests of Neglect Laws**

**Citations**


**Purpose Clause**

[24A-101; enacted 1971]

"... shall be liberally construed ... that children whose well-being is threatened shall be assisted and protected and restored, if possible, as secure law-abiding members of society; and that each child coming within the jurisdiction ... shall receive, preferably in his own home, the care, guidance and control that will conduce to his welfare and the best interests of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him."

**Definitions**

[24A-401; as enacted 1971]

"Child"—any individual under 17 years
"deprived child"

"(1) ... without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health or morals; or

(2) ... placed for care or adoption in violation of law;

(3) ... abandoned ... 

(4) ... without a parent, guardian or custodian;"

**Neglect Hearing**

**Rights:**

[24A-2001]

Counsel at all stages of any proceedings alleging deprivation for all parties. If needy, appointed counsel. For a child not represented by his parent, guardian or custodian, counsel must be provided. If the interests of two or more parties conflict, separate counsel shall be provided for each party.

[24A-3301]

Guardian ad litem for child.

[24A-2002]

To introduce evidence, cross-examine adverse witnesses.

**Procedures:**

[24A-1801]

By the judge without jury; informal. Proceedings recorded by stenographic notes or other electronic, mechanical or other appropriate means if requested by party prior to commence-
Georgia—continued

dent and ordered by the court. Otherwise, recorded via full minutes kept by the clerk.

General public excluded; may temporarily exclude child.

[24A-2201] Court shall make and file its findings whether from “clear and convincing evidence” child is deprived. Court may receive all information, including oral and written reports, helpful in determining the questions presented. Such information may be relied upon to the extent of its probative value even though not otherwise competent in the hearing on the petition.

“... portions of such reports not relied on by the court in reaching its decision which, if revealed, would be prejudicial to the interests of the child or any party to the proceeding may be withheld in the court’s discretion. Confidential sources ... need not be disclosed.”

Disposition:

[24A-2101(b)] During pendency, court may order child examined at suitable place by physician or psychologist and may order medical or surgical treatment of child, even if the parent, or guardian or other custodian has not been given notice, is not available or without good cause informs the court of his refusal.

[24A-2201] If the court finds the child not deprived, it shall dismiss the petition and order the child discharged from any detention.

[24-2301(a)] If the child is found deprived, court may make any of the following orders best suited to the protection and physical, mental and moral welfare of the child:

1. Permit child to remain with parent, guardian, or custodian, including a putative father, subject to conditions, and limitations as the court prescribes, including supervision as directed by the court.

2. Subject to conditions and limitations, transfer temporary legal custody to:

   (i) any individual, including putative father, who after study by probation officer or other designated person and agency is found to be qualified;

   (ii) an agency or other private organization
Part IV: Digests of Neglect Laws

[24A-3401(a)]
Court may make protective orders.

Length & Effect:
[24A-2701(c)]
Any order concerning deprivation continues in force for not more than 2 years. Court may terminate or extend sooner. When child reaches 21 years, all orders then in force terminate and he is discharged from further obligation or control.

[24A-2801]
All orders modifiable.

Penalty for Neglect
Termination of Parental Rights

Grounds:
[24A-3201]
"(a) The court by order may terminate the parental rights of a parent with respect to his child if:
(1) the parent has abandoned the child;
(2) the child is a deprived child and the court finds that conditions and causes of the deprivation are likely to continue or will not be remedied and that by reason thereof the child is suffering or will probably suffer serious physical, mental, moral, or emotional harm.
(3) the written consent of the parent acknowledged before the court has been given; or
(4) a decree has been entered by a court of competent jurisdiction of this or any other state ordering the parent, guardian or other custodian to support the child and the said parent, guardian or other custodian has wantonly and willfully failed to comply with the order for a period of 12 months or longer."

Procedures:
[24A-3202]
Proceeding for termination begins with a petition

licensed or otherwise authorized by law to receive and provide care for child; or

(iii) any public agency . . .

(iv) an individual in another state with or without supervision by appropriate officer under Section 24A-3002; or

(3) Without making any of the foregoing . . . transfer custody to the court of another state exercising jurisdiction over juveniles.
that clearly states that an order for termination is requested. If the paternity of a child born out-of-wedlock has been judicially established, the father is entitled to summons and has the right to be heard, unless he has relinquished all parental rights with reference to the child. And, “nothing . . . shall be construed to preclude the father's petitioning for custody of the child. At the . . . hearing, upon proof of paternity being shown to the court . . . and the court shall grant same, if such shall be in the best interest of the child. He is not entitled to notice of hearing on the petition unless he has custody of the child.”


Records:
[24A-3501] Open to inspection only upon order of the court. Judge may permit compilers of statistics for proper purposes to inspect and to make abstracts. Judge may punish for contempt any violation of conditions imposed regarding the inspection and use of records.

Dispositions:
[24A-3201(b)] “If the court does not make an order of termination of parental rights, it may grant an order under Section [24A-2301] if the court finds from clear and convincing evidence that the child is a deprived child.”

[24A-3204] If upon termination, there is no person retaining parental rights, child is committed to Division of Children & Youth or a licensed child-placing agency willing to accept the child for adoption. If child is not adopted within 2 years and a general guardian has not been appointed, child shall be returned to court for entry of further orders for the care, custody and control of the child.

Effect:
[24A-3202] “An order terminating the parental rights of a parent terminates all his rights and obligations with respect to the child and of the child to him arising from the parental relationship, including rights of inheritance. The parent is not thereafter entitled to notice of proceedings for the adoption of the child . . . nor has he any right to object to the
adoption or otherwise to participate in the proceed-ings."

**Neglect Section**

**Guardian ad litem:**

"... at any one stage of a proceeding under this Code Title 24A, on application of a party or on its own motion, shall appoint a guardian ad litem for a child who is a party to the proceeding if he has no parent, guardian, or custodian appearing on his behalf or their interests conflict with his or in any other case in which the interests of the child require a guardian. A party to the proceeding or his employee or representative shall not be appointed."

**Spiritual healing exemption:**

"No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for that reason alone be considered to be a 'deprived child'."

**Waiver of disability:**

Order of adjudication—"... not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child."
HAWAII

CITATIONS

PURPOSE CLAUSE
[571-1; enacted 1965]

"... liberally construed to the end that families whose unity or well-being is threatened shall be assisted and protected, and restored if possible as secure units of law-abiding members, and that each child and minor coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance and control that will conduce to his welfare and the best interests of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him."

DEFINITIONS
[571-2]

"child or minor"—less than 18 years.

"Residual parental rights and responsibilities"— "those rights and responsibilities left after transfer of legal custody or guardianship, including, but not necessarily limited to right to reasonable visitation, consent to adoption, or marriage and responsibility for support . . ."

[571-11(2); 1972]

The Family Court is given exclusive original jurisdiction: "Concerning any child living or found within the circuit . . .

(A) who is neglected as to proper or necessary support or education as required by law, or as to medical or other care necessary for his well-being, or who is abandoned by his parent or other custodian; or

(B) whose environment is injurious to his own or others' welfare;"

(The above is a jurisdiction clause rather than a definition clause.)

NEGLECT HEARING

Rights:
[571-23; 41; 54]

To be represented by counsel; this must be communicated. Parent or guardian entitled to issuance of compulsory process for the attendance of witnesses on his own behalf or on behalf of the minor. Cross-examination upon demand.
Rehearing; All orders appealable; counsel on appeal.

Procedures:
[571-41] Informal; general public excluded from children's case. Child may be excluded.
"... hearing shall not take place without the presence of one or both parents or the guardian, or, if none is present, a guardian ad litem appointed by the court to protect the interests of the minor."
Stenographic record of proceedings.

[571-14] Court may try any adult with deserting, abandoning, or failing to support a minor for whom he has legal or physical custody.

[571-41] Findings of fact by judge of validity of allegations based upon "preponderance of the evidence" admissible under rules applicable to trial of civil causes. "... any relevant and material information, including ... written report, study, or examination shall be admissible and may be relied upon to the extent of its probative value; provided, the maker of the report, study, examination shall be subject to both direct and cross-examination upon demand and when he is reasonably available. . . ."

Dispositions:
[571-45] Except where waived by the judge, the written study and report shall be considered by the judge prior to making the final disposition.

[571-21] Informal adjustment if practicable without a petition, provided that the facts appear to establish prima facie jurisdiction and are admitted, and provided that consent is obtained from the parents, and also from the child if he is of sufficient age and understanding. Efforts to effect informal adjustment may be continued not longer than 3 months without review by the judge.

[571-48] If adjudged neglected:
(a) May place under protective supervision in own home, or in custody of a suitable person or agency, upon conditions determined by court.
(b) May vest legal custody in government or non-government agency or institution, licensed or approved by the state.
May order examination by physician, surgeon, psychiatrist or psychologist; may order treatment by them of a child or minor adjudicated neglected. May place in hospital or other suitable facility for either exam or treatment. May order examination of parent or guardian whose ability to care for a child before the court is at issue.

"(3) An order vesting legal custody in an individual, agency, or institution under [571-11(2)] [neglect proceeding], shall be for an indeterminate period, but shall not remain in force or effect beyond 3 years from date entered, except that individual, institution or agency may file with the court a written request for renewal. . . the court may renew . . . if finds . . . necessary to safeguard the welfare of the minor or the public interest."

Until 18 years of age unless judicially terminated as above.

". . . The records other than social records shall be open to inspection by the parties and their attorneys, by an institution or agency to which custody . . . has been transferred, by an individual who has been appointed guardian; with consent of the judge, by persons having a legitimate interest in the proceedings from the standpoint of the welfare of the minor; and, pursuant to order of the court or the rules of the court. . . ."

Reports of social and clinical studies or examinations made pursuant to this chapter shall be withheld from public inspection, except that information from such reports may be furnished, in a manner determined by the judge, to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare, and treatment of the minor.

"No information obtained or social records prepared in the discharge of official duty by an employee of the court shall be disclosed directly or indirectly to anyone other than the judge or others
entitled under this chapter to receive such information, unless and until otherwise ordered by the judge."

| **Penalty for**  
| **Neglect**  

| **Reportable under**  
| **Child Abuse Law**  

| **Nature of Report:**  

| **Immunity:**  

| **Waivers:**  

| **Penalty**  

| **Central Registry:**  

| **Termination of Parental Rights**  

| **Grounds:**  

| **Yes—[§§ 350-1 through -5; last amended 1970.]**  

| **... having reason to believe that such minor has had injury inflicted upon him as a result of abuse or neglect ...**  

| **Mandatory for certain named professionals; permissive for any other person; non-accusatory; for minor.**  

| **From criminal and civil liability if reported in good faith.**  

| **Physician—Patient; Husband—Wife.**  

| **No.**  

| **Department of social services and housing shall maintain.**  

| **Yes—[§§ 571-61 through -63; last amended 1973.]**  

| **“(b) The family courts may terminate the parental rights in respect to any minor as to any legal parent:  

1. Who has deserted the minor without affording means of identification for a period of at least 90 days or who has voluntarily surrendered the care and custody of the minor to another for a period of at least two years;  

2. Who, when the minor is in the custody of another, has failed to communicate with the minor when able to do so, for a period of at least two years, or has failed to provide for care and support of the minor when able to do so as required by law or judicial decree for a period of at least one year;  

3. Who has neglected, ill-treated or  

..."
abused the minor to such an extent that legally authorized judicial action has been taken pursuant to § 571-11(1)(A), which has resulted in the removal of the minor from the physical custody of the parent;

(4) Who is found to be mentally ill or mentally retarded to an extent requiring institutional care and therefore incapacitated from giving consent to the adoption of the minor; or

(5) When it is shown to the satisfaction of the court that the legal father of the child is not his natural father.”

**Procedures:**

[571-61] Verified petition filed by some reasonable adult; notice of time and place must be personally served at least 20 days prior to hearing.

[571-63] “No judgment of termination of parental rights . . . shall be valid or binding unless it contains a finding that the facts upon which the petition is based bring the minor within [§§ 571-61 to 571-63] and have been proved by the evidence and that the adjudication . . . is necessary for the protection and preservation of the best interests of the minor . . . and will facilitate the legal adoption of the minor.”

**Dispositions:**

[571-63] The court may terminate the parental rights of one or both of the parents; may transfer the care, custody, and control of the minor to any proper person not forbidden by law to place a child for adoption or to the department of social services and housing or to any “child-placing organization approved by the department; may appoint a guardian of the person of the minor, and may authorize the person or the department or the agency or the guardian to consent to the legal adoption of the minor.”

**Effect:**

[571-63] “No judgment of termination . . . shall operate to terminate the mutual rights of inheritance of the
minor and the parent or parents involved, or to terminate the legal duties and liabilities of the parent or parents, unless and until the minor has been legally adopted.

"Every such judgment of termination . . . shall become final and binding upon all of the parties concerned as of the date of its entry and filing, subject to the right of appeal . . ."

**SPECIAL CLAUSES**

Neglect Section

[571-41]

Guardian ad litem:

"... hearing shall not take place without the presence of one or both parents or the guardian or, if none is present, a guardian ad litem is appointed, by the court to protect the interests of the minor. The court may also appoint guardian ad litems whenever this is necessary for the welfare of the minor, whether or not a parent is present."

[571-84]

Waiver of disability:

"Evidence given in [neglect proceeding] shall not in any civil, criminal, or other cause be lawful or proper evidence against the child or minor . . . except in subsequent proceedings involving the same child under [this section]."

[350-4]

Reporting Statute

Spiritual healing exemption:

"No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for this reason alone, be considered to be medically neglected under this chapter."
IDAHO

CITATIONS

—Neglect; §§ 16-1624; -1641 (Cum. Supp. 1973)—
Termination.

PURPOSE CLAUSES

Child Protective Act:
Dual Neglect Section—Reporting Statute

—Neglect; §§ 16-1624; -1641 (Cum. Supp. 1973)—
Termination.

[16-1624; added 1973]
“... to protect children whose physical or mental
health and welfare are adversely affected by abuse
or neglect and may be further threatened by those
who are responsible for their care and protection by
providing for the mandatory reporting of suspected
cases by any person who has reasonable cause to
believe that such case exists... the protective
services of the (dept. of social and rehabilitation
services)... shall be brought to bear on the
situation in an effort to prevent further abuses,
safeguard and enhance the welfare of these
children and to strengthen the family unit
whenever possible.”

[16-1642]
“... shall be liberally construed...”

[16-2001; as enacted 1963]
Termination Chapter

“... to provide for voluntary and involuntary
severance of the parent and child relationship...
for substitution of parental care and supervision by
judicial process, thereby safeguarding the rights
and interests of all parties concerned and
promoting their welfare and that of the state of
Idaho. Implicit in this act is the philosophy that
wherever possible family life should be strength-
ened and preserved and that the issue of severing
the parent and child relationship is of such vital
importance as to require a judicial determination
in place of attempts at severance by contractual
arrangements, express or implied, for the sur-
render and relinquishment of children.”

[16-2015]
“... shall be construed...”

DEFINITIONS

“'child'—means a person less than 18 years of age...”

[16-1625; last amended 1973]
“'neglect'... situations where:
(1) the child lacks parental care necessary for
support or education as required by law, or
(2) the child lacks parental care necessary for his health, morals and well-being; or
(3) the child has been abandoned as defined in this act for a period less than one year.”

“abandoned” . . . failure of the parent to maintain a normal parental relationship with his child, including but not limited to reasonable support or regular personal contact. Failure to maintain . . . without just cause for a period of one year . . . prima-facie evidence of abandonment.

“emotional maladjustment” . . . condition of a child who has been denied proper parental love, or adequate affectionate parental association, and who behaves unnaturally and unrealistically in relation to normal situations, objects, and other person.

**NEGLIGENCE HEARING**

**Rights:**

Parent, guardian or custodian, all parties, right to counsel.

Appeal by any interested party aggrieved by any order or decree to district court within 30 days. Any final order or judgment appealable within 30 days to the Supreme Court.

“A parent, guardian or other person from whose custody a child has been removed and placed in the custody of the department may once within each 6 month period petition the court for modification or revocation . . . on the ground that the department has failed to provide the child with proper care and services essential to his welfare.”

**Procedures:**

Separate from adults; by the court without a jury; conducted in an informal manner and may be adjourned from time to time.

General public excluded; only such persons admitted as found by the court to have a direct interest in the case.

In the discretion of the court, the child may be excluded.
Idaho—continued

[16-1637]

No final decree or other final disposition until a written report of the investigation by the department of social and rehabilitative services has been presented to and considered by the court.

Dispositions:

[16-1630]

"Where it appears that child is in such condition or surroundings that his welfare requires that he be taken into custody the court may so order . . . whereupon in the court’s discretion the child shall be brought before the court, released to his parents or guardian or taken to a place of shelter."

Court may dismiss if petition found to be without substance.

[16-1637]

When a child is found . . . within the purview of this act, the court shall so decree and . . . make a finding of facts and conclusions of law upon which it exercises jurisdiction . . . ."

The court may:
- place under protective supervision in child’s own home;
- vest legal custody in the department;
- terminate prior decree or transfer custody to an authorized agency other than the department, if it finds that the department has failed to provide the child with proper care and services essential to his welfare;

[16-1638]

May, upon petition duly filed by the dept. terminate the parent-child relation at any time after a lapse of 3 months from entry of the court’s decree vesting legal custody . . . in the dept. or placing the child under protective supervision where it is shown to the satisfaction of the court after a hearing on 10 day notice:
- parent has continued abandonment of the child;
- parent or guardian has substantially and continuously or repeatedly neglected or abused the child, or
- parent or guardian is unable to discharge his responsibility . . . because of mental illness or deficiency, and there are reasonable grounds to believe such condition will continue for a prolonged indeterminate period. If the court finds sufficient grounds exist . . . it shall so decree and
in its decree shall make a finding of the facts and conclusions of law . . .

(Note: This termination of parental rights by the probate court is not a possible disposition of the initial neglect hearing. See TERMINATION OF PARENTAL RIGHTS—for jurisdiction of the district court.)

Length & Effect:
[16-1637(b)]

"A decree vesting legal custody in the dept. shall be for an indeterminate period not to exceed 2 years from the date entered, except the dept. may file a petition with the court requesting renewal and after notice to parties, a hearing and findings the court may renew the order, if . . . necessary to safeguard the welfare of the child. Renewals may be made during minority, but no order shall have any force or effect beyond minority."

Records:
No specific provisions. (See TERMINATION OF PARENTAL RIGHTS.)

Penalty for Neglect
No.

Reportable Under Child Abuse Law
[16-1641]
Yes—[§§ 16-1624; -1625m; -1641; last amended 1973.]

". . . having reasonable cause to believe that a child . . . has been abused, or . . . observes the child being subjected to conditions or circumstances which would reasonably result in abuse. . . ."

(Note: § 16-1625m defines "abused" as meaning "any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematomas, soft tissue swelling, failure to thrive or death, and such condition or death which is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death, may not be the product of an accidental occurrence.")
Idaho—continued

Nature of report: Mandatory; non-accusatory; for child under the age of 18.

Immunity: From criminal and civil liability if not reported in bad faith or with malice. Immunity applies to any judicial proceeding resulting from such report.

Waivers: Husband-wife and privileges between any professional person except lawyer-client, including but not limited to physicians, ministers, counselors, hospitals, clinics, day care centers and schools and their clients.

Penalty: No.

Central Registry: No provision in statute; State Dept. of Social and Rehabilitation Services maintains a registry as a matter of administrative policy.

Termination of Parental Rights
Yes—[§§ 16-2001 through 2015; last amended 1972; a separate chapter.]

Grounds: “The court may grant an order terminating the relationship where it finds . . .:

(a) The parent has abandoned the child by having failed to maintain a normal parental relationship, including but not limited to reasonable support or regular personal contact; failure . . . to maintain this relationship without just cause for a period of one (1) year . . . prima facie evidence of abandonment under this section.

(b) The parent has neglected or abused the child . . .

(c) The presumptive parent is not the natural parent . . .

(d) The parent is unable to discharge parental responsibilities because of mental illness or mental deficiency, and there are reasonable grounds to believe the condition will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.

(e) If . . . in the best interest of the parent and child, where the petition has been filed by a parent or through an authorized agency, or interested party.”
Part IV: Digests of Neglect Laws

Rights:

Procedures:
[16-2005(f)] "Where a consent to termination in the manner and form prescribed . . . has been filed by the parents . . ., no subsequent hearing on the merits of the petition shall be held. Consents . . . must be witnessed by a district court judge or magistrate of a district court of the state . . ."
[16-2009] Parent or guardian ad litem entitled to notice and counsel and appointed counsel.
[16-2009] Hearing same as provided under § 16-1635, except stenographic notes are required.
". . . court's findings based upon preponderance of evidence, under rules applicable to the trial of civil causes, provided that relevant and material information of any nature, including that contained in reports, studies or examination, may be admitted and relied upon to the extent of its probative value. When information . . . is admitted . . . shall be subject to both direct and cross-examination . . . evidence of the alleged condition shall be no less than that required to support a commitment to an institution for the mentally ill or mentally deficient . . ."
[16-2010] "Every order . . . shall be in writing and shall recite the findings upon which such order is based . . ."

Disposition:
[16-2010] "A. If the court finds sufficient grounds exist . . . shall . . .
(1) Appoint an individual as guardian of the child's person,
(2) Appoint an individual as guardian of the child's person and vest legal custody in another individual or in an authorized agency, or
(3) Appoint an authorized agency as guardian and vest legal custody in such agency . . ."
Court shall fix responsibility for the child's support. " . . . relationship may be terminated with respect to one parent without affecting the relationship between the child and the other parent."
Idaho—continued

“B. Where the court does not order termination . . . it shall dismiss; provided, however, that where the court finds that the best interest of the child requires substitution or supplementation of parental care and supervision, it shall make an order placing the child under protective supervision or vesting temporary legal custody in an authorized agency, fixing responsibility for temporary child support, and designating the period of time during which the order shall remain in effect.”

Effect:
[16-2011]
An order shall divest the parent and the child of all legal rights, privileges, duties and obligation, including rights of inheritance, with respect to each other.

Records:
[16-2013]
Shall be withheld from public inspection, except that information may be furnished to persons and agencies having a legitimate interest in the protection, welfare and treatment of the child. . . “unlawful, . . . except for purposes permitted by special order for any person to disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any information concerning any person before the court directly or indirectly derived from files . . . records . . . Any person who shall disclose . . . in violation of . . . this section . . . guilty of misdemeanor.”

Special Clauses
[16-2007]
Termination Chapter
Guardian ad litem: “Court shall appoint a guardian ad litem for the alleged incompetent parent. The court may in any other case appoint a guardian ad litem, as may be deemed necessary or desirable for any party.”
Part IV: Digests of Neglect Laws

ILLINOIS

Citations


Purpose Clause

[ch. 37, 701-2; last amended 1973]

Neglect Section—Juvenile Court Act

"(1) . . . to secure for each minor subject thereto such care and guidance, preferably in his own home, as will serve the moral, emotional, mental and physical welfare of the minor and the best interests of the community:

- to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should be given by his parents, and in cases where it should and can properly be done to place the minor in a family home so that he may become a member of the family by legal adoption or otherwise.

(2) . . . . This act shall be administered in a spirit of humane concern, not only for the rights of the parties but also for the fears and the limits of understanding of all who appear before the court. . . .

(4) This act shall be liberally construed to carry out the foregoing purpose and policy."

Definitions

[ch. 37, 702-4; last amended 1967]

Neglected Minor

"(1) . . . any minor under 18 years of age

(a) who is neglected as to proper or necessary support, education as required by law, or as to medical or other remedial care recognized under State law or other care necessary for his well-being, or who is abandoned by his parents, guardian or custodian; or
Illinois—continued

(b) whose environment is injurious to his welfare or whose behavior is injurious to his own welfare or that of others.

(2) This section does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian.

NEGLECT HEARING

Chapter 37

Rights:

[701-20] "(1) minor who is the subject of the proceeding and his parents, guardian or legal custodian or responsible relative who are parties respondent . . . right to be present, to be heard, to present evidence material . . . to cross-examine witnesses, to examine pertinent court files and records . . . also, although proceedings . . . are not intended to be adversary in character, the right to be represented by counsel. At the request of any party financially unable to employ counsel, the court shall appoint counsel."

[701-2(3)] "(b) Every child has a right to services necessary to his proper development including health, education and social services.

(c) The parents' right to the custody of their child shall not prevail when the court determines that it is contrary to the best interests of the child."

[701-20] Same rights given to any current foster parent.

Appeal.

[704-5] Provide for guardian ad litem. (See SPECIAL CLAUSES.)

Procedures:

[703-8] Court may authorize probation officer to seek adjustment prior to filing of petition. Such efforts may not be extended for a period of more than 3 months.

[701-20] In the discretion of the court, the minor may be excluded from any part of a dispositional hearing and with the consent of the parent or parents, guardian, counsel or a guardian ad litem, from any part of an adjudicatory hearing.

[704-2] The general public except the news media shall be excluded. "When a petition has been filed alleging
that a minor is [neglected] . . . it shall be set for
adjudicatory hearing within 30 days and acted
upon within 90 days. The minor may be ordered
placed in a shelter care facility by the court until
the petition is heard and acted upon . . .”

Discretionary power to appoint guardian ad litem
for minor.

Standard of proof and rules of evidence at
adjudicatory hearing those applicable in civil
proceedings, preponderance of the evidence.

An adjudication of neglect makes the minor a ward
of the court. The court then hears evidence on the
question of the proper disposition best serving the
interests of the minor and the public. All evidence,
including oral and written reports may be admitted
and relied upon to the extent of its probative value,
even though not competent for the purposes of the
adjudicatory hearing.

**Dispositions:**

If the court finds minor is not neglected or that the
best interest of the minor and the public will not be
served by adjudging him a ward of the court, the
court shall order the petition dismissed.

“A minor . . . found to be neglected . . . may be
(1) continued in the custody of his parents,
guardian or legal custodian, or
(2) placed in accordance with Section 5-7.”

If continued in the custody of his parents, the court
may place under supervision of the probation office
and make orders of protection.

(1) The court may make an order of protec-
tion. . . . The order . . . may set forth reasonable
conditions of behavior to be observed for a
specified period by any person who is before the
court on the original or supplemental petition.
Such an order may require any such person
(a) To stay away from the home of the minor;
(b) To permit a parent to visit the minor at
stated periods;
(c) To abstain from offensive conduct against
the minor, his parent or any person to
whom custody of the minor is awarded;
(d) To give proper attention to the care of the
home;
Illinois—continued

(e) To cooperate in good faith with an agency to which custody of a minor is entrusted by the court or with an agency or association to which the minor is referred by the court;

(f) To refrain from acts of commission or omission that tend to make the home not a proper place for the minor.

[703-7] During temporary order of custody or protection, court may order medical or dental examination or treatment.

[705-7] (1) If the court finds that the parents, guardian or legal custodian or a minor adjudged a ward of the court are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and that it is in the best interest of the minor to take him from the custody of his parents, guardian or custodian the court may

(a) place him in the custody of a suitable relative or other person;

(b) place him under the guardianship of a probation officer;

(c) commit him to an agency for care or placement, except an institution under the authority of the Department of Corrections or of the Department of Children and Family Services;

(d) commit him to some licensed training school or industrial school; . . .; or

(f) in the case of a neglected . . . minor . . . adjudged a ward of the court . . . commit him to the Department of Children and Family Services for care and service.

Length & Effect:

[705-11] All proceedings automatically terminate when minor attains age of 21 years. The court may at any time terminate or continue any custodianship or guardianship.

Records:

[702-10] The official court file and other files containing any memorandum or report and any transcript of testimony in proceedings under this act shall be impounded and shall not be made available to the general public, but may be inspected by repre-
sentatives of agencies, associations and news media or other properly interested persons by general or special order of court. The State's Attorney and the attorney for the minor shall at all times have the right to examine court files and records except as provided in Section 5-1.

<table>
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<tr>
<th>Penalty for Neglect</th>
<th>No.</th>
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| Reportable Under Child Abuse Law | Yes—[Ch. 23, §§ 2041-2047; last amended 1973.]
| [2042] | “... having reasonable cause to believe that a child brought to him or coming before him for examination, care or treatment...has suffered injury or disability from physical abuse, or neglect inflicted upon him or shows evidence of malnutrition, other than by accidental means, or has been subjected to deliberate withholding of feeding endangering his health...” |
| Nature of report: | Mandatory; non-accusatory; for a child under 16 years. |
| Immunity: | From any liability, civil or criminal that otherwise might be incurred. Prima facie presumption of acting in good faith. |
| Penalty: | No. |
| Central Registry: | Yes. Maintained by Department [of Children and Family Services.] |
| Termination of Parental Rights | Yes—[Ch. 37, §§ 705-9; -9.4; last amended 1973 and Chapter 4, Sections 9.1-1; -11; -17; last amended 1973.] |
| Grounds: [ch. 37, 705-9; last amended 1965] | “(2) If the petition prays and the court finds that it is in the best interests of the minor [a ward of the court] that a guardian of the person be appointed and authorized to consent to the adoption of the minor, the court with the consent of the parents, if living, or after finding a non-consenting parent to be unfit as provided in [Chapter 4, § 9.1-1 et seq.]” |
"Unfit person"—the grounds of unfitness being any one of the following:

(a) Abandonment of the child;
(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare;
(c) Desertion of the child for more than 3 months next preceding the commencement of the Adoption proceeding;
(d) Substantial neglect of the child if continuous or repeated;
(e) Extreme or repeated cruelty to the child;
(f) Failure to protect the child from conditions within his environment injurious to the child's welfare;
(g) Other neglect of, or misconduct toward the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order, judgment or decree affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either this Act or the Juvenile Court Act;
(h) Depravity;
(i) Open and notorious adultery or fornication;
(j) Habitual drunkenness for the space of one year prior to the commencement of the adoption proceeding.
(k) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after its birth.
(l) Failure to make reasonable efforts to correct conditions which were the basis for the removal of the child from his parents or to make reasonable progress toward the return of the child to his parents within twenty-four months after an adjudication of neglect under Section 2-4 of the Juvenile Court Act."

"A consent . . . by a parent, including a minor, to an agency for the purpose of adoption shall be
Part IV: Digests of Neglect Laws

irrevocable unless . . . obtained by fraud or duress. . . ."

Provision for notification to putative father of his rights to notification of proceedings and procedures for filing a declaration of paternity.

"An order [of the court] empowering a guardian to consent to the adoption terminates parental rights, deprives the parents of the minor of all legal rights as respects the minor and relieves them of all parental responsibilities for him and frees the minor from all obligations of maintenance and obedience as respects his natural parents."

Neglect Section

Guardian ad litem:

". . . the court shall appoint a guardian ad litem for the minor if

(a) no parent, guardian, custodian or relative of the minor appears at the first or any subsequent hearing of the case; or

(b) the petition prays for the appointment of a guardian with power to consent to adoption.

(2) The court may appoint a guardian ad litem for the minor whenever it finds that there may be a conflict of interest between the minor and his parents or other custodian or that it is otherwise in the minor's interest to do so.

(3) Unless the guardian ad litem is an attorney, he shall be represented by counsel.

(4) The reasonable fees of a guardian ad litem appointed under this section shall be fixed by the court and charged to the parents of the minor, to the extent they are able to pay. If the parents are unable to pay those fees, they shall be paid from the general fund of the county."

Preference in placement:

". . . the court wherever possible shall select a person holding the same religious belief as that of the minor or a private agency controlled by persons of like religious faith of the minor. In addition, whenever alternative plans for placement are available the court shall ascertain and consider, to the extent appropriate in the particular case, the views and preferences of the minor."
Illinois—continued

[702-9(1)]  

Waiver of disability:  
“No adjudication, disposition or evidence given in proceedings under this act is admissible as evidence against the minor for any purpose whatever in any civil, criminal or other cause or proceeding except in subsequent proceedings under this act concerning the same minor. No adjudication or disposition under this act operates to disqualify a minor from subsequently holding public office nor operates as a forfeiture of any right, privilege or right to receive any license granted by public authority. . . .”

[ch. 23, 2042]  

Reporting Statute

Spiritual healing exemption:  
“. . . A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices the aforementioned beliefs.”
INDIANA

**CITATIONS**


**PURPOSE CLAUSE**

[31-5-7-1; last amended 1945] Neglect Section

"... to secure for each child ... such care, guidance and control, preferably in his own home as will serve the child's welfare and the best interests of the state; and when such child is removed from his own family, to secure for him care, control and discipline as nearly as possible equivalent to that which should have been given by his parents . . . children under the jurisdiction of the court subject to the discipline and entitled to the protection of the state which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them."

**DEFINITIONS**

[31-5-7-6; last amended 1945] Neglect Section

"child"—boy or girl under 18 years

"neglected child" . . . any . . . who:

(1) Has not proper parental care or guardianship;

(2) Is destitute, homeless or abandoned;

(3) Habitually begs or receives alms;

(4) By reason of neglect, cruelty or disrepute on the part of parents, guardians or other persons in whose care the child may be living is in an improper place;

(5) Is in an environment dangerous to life, limb
Termination Section

"termination of parental rights"—"... shall divest the parent and the child of all legal rights, privileges, duties and obligations, including the right of inheritance with respect to each other."

Neglect Hearing

Rights:

[31-5-7-22] Appeals in the manner provided by law for appeals in criminal cases from circuit or criminal courts.

Procedures:

[31-5-7-15] Informal; may be adjourned from time to time. Separate from the trial of adult cases and without a jury. Court reporter shall take down all oral evidence and rulings. Public admittance a matter of discretion.

Dispositions:

[31-5-7-9] If it appears that a child is in such condition or surrounding that his welfare requires that his custody be immediately assumed, the child may be taken into custody at once.

[31-5-7-15] If a child is found neglected, may order:

1. Placed on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court may determine;

2. Committed to any suitable public institution or agency which shall include, but is not limited to the state institutions for the feeble-minded, epileptic, insane or any other hospital or institution for the mentally ill; or

3. Committed to a suitable private institution or agency incorporated or organized under the laws of the state and authorized to care for children or to place them.

Court may make such child a ward of the court, a ward of the department of public welfare or the county, or a ward of any licensed child placing agency.

Court may take the cause under advisement or postpone findings and judgment for a period not to exceed two years, unless sooner requested by the party proceeded against.

Court may make such further disposition as may be
Part IV: Digests of Neglect Laws

[31-5-7-19; -20 -21]

Length & Effect:
[31-5-7-17]

Judgments modifiable or revocable from time to time. Jurisdiction of court continues until age 21 unless child is discharged or until further order of the court is made.

Records:
No specific provisions regarding confidentiality or inspection.

Penalty for Neglect
No.

Reportable Under Child Abuse Law
No.

Termination of Parental Rights
Yes—[§§ 31-3-1-6 and -7; last amended 1973.]

Grounds:
“Consent for adoption is not required if:
(1) a parent or parents of the child is adjudged to have abandoned or deserted for six months or more immediately preceding the date of the filing of the petition; or a parent of a child in the custody of another person, if for a period of at least one year he fails without justifiable cause to communicate significantly with the child when able to do so or he wilfully fails to provide for the care and support . . . when able to do so as required by law or judicial decree.
(5) . . . parent judicially declared incompetent or mentally defective.
(6) . . . parent found to be unreasonably withholding his consent [to adoption].”

Rights & Procedures:
Provisions for notice and hearing. In the case of illegitimacy, putative father receives notice only if paternity has been established by law, or putative father has been supporting the child or the court deems it necessary that he have the opportunity to be heard.
Indiana—continued

[31-3-1-7] "Every order . . . terminating . . . or transferring legal custody or guardianship . . . or providing for protective supervision under this chapter shall be in writing and shall recite the findings upon which such order is based . . . conclusive and binding upon all . . . from date of entry."

Special Clauses

Neglect Section

Preference in placement:

"... to an institution or agency governed by persons of like religious faith as that of the parents . . . or in the case of a difference in the religious faith of the parents, then of the child, or if the religious faith of the child is not ascertained, then of either of the parents."

Waiver of disability:

"(5) . . . No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction . . . disposition of a child or any evidence given . . . shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition or evidence operate to disqualify a child in any future civil service exam, appointment or application."
Part IV: Digests of Neglect Laws

IOWA

CITATIONS


PURPOSE CLAUSE

[232.1; last amended 1965]

Neglect Section

"... shall be liberally construed to the end that each child coming within the jurisdiction of the juvenile court shall receive, preferably in his home, the care, guidance and control that will conduce to his welfare and the best interests of the state, and that when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which he should have been given."

[235A.1; last amended 1974]

Reporting Statute

"... It is the purpose and policy of this act to provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of such abuse, insuring the thorough and prompt investigation of these reports, and providing rehabilitative services, where appropriate and whenever possible to abused children and their families which will stabilize the home environment so that the family can remain intact without further damage to the child."

DEFINITIONS

[232.2; last amended 1973]

Neglect Section

"child"—"less than 18 years, or ... at least 18 years but less than 21 ... regularly attending an approved school in pursuance of course of study for high school diploma or its equivalent, or regularly attending a course of vocational or technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs."

"neglected child"—"abandoned ... without proper parental care because of the emotional, mental or physical disability or state of immaturity of his parents, guardian or other custodian ... without proper parental care because of the faults or habits of his parents, guardian or other custodian ... is living under conditions injurious to his mental or
physical health or welfare."

Reporting Statute

"'Child abuse' or 'abuse' means any nonaccidental physical injury suffered by a child as a result of the acts or omissions of the child's parents, guardians or other persons legally responsible for the child."

Counsel for child, parents, guardian. If unable to employ counsel, right to appointed counsel.

Child, his parents, guardian or custodian entitled to present evidence, question witnesses.

If no parent appears, court shall appoint guardian ad litem.

All judgments appealable.

Provision for discretionary appointment of guardian ad litem.

Conduct of hearing informal and without a jury; may be continued from time to time and in the interim, the court may make such orders as deemed in the best interests of the child.

The public shall be excluded, though:

"... shall admit news media, except in those cases where in the opinion of the court the best interest of the child and the public are served by a private hearing."

Court attorney presents evidence in all cases.

"... findings with respect to neglect ... based upon clear and convincing evidence under the rules applicable to the trial of civil cases, provided that relevant and material information of any nature including that contained in reports, studies and or examinations may be admitted and relied upon to the extent of its probative value. When information contained in a report, study or examination is admitted ... the person making such ... shall be subject to both direct and cross examination when reasonably available."

Presence of child may be waived.

Stenographic notes or mechanical recordings shall be required, unless parties waive, except juvenile is not competent to make such waiver.
Dispositions:

[232.7] Court may order child temporarily taken into custody.

[232.13] May order examination by a physician, surgeon, psychiatrist or psychologist and may order treatment for child adjudged neglected. May place in a hospital or other suitable facility for such treatment and care.

[232.33] If neglected, the court may:
- continue the proceedings under such supervision as the court may direct;
- place the child under protective supervision of the county department of social welfare or a child placing agency in child's home under conditions set by court to correct the neglect;
- transfer legal custody subject to continued jurisdiction of the court, to one of the following:
  - a child placing agency,
  - county department of social welfare or the state department of social services,
  - a reputable individual of good moral character.
- commit the child to commissioner of social services or his designee for placement.
- commit to or place in any private institution or hospital for the care and training of children or any public institution or hospital.
- if in need of special treatment or care for physical or mental health, order the parents, guardian or custodian to provide such. If the parents fail to provide, the court may order the treatment or care.

[232.51] May order support payments if parental rights have not been terminated.

Length & Effect:

[232.36] Court may modify or terminate the proceedings and order the child released from the control of the court. All orders continue until 18 years of age, unless otherwise released. All orders reviewed by the court at least annually, unless jurisdiction terminated.

Records:

[232.54] Legal record is not confidential. "... shall be a public record ... including the petition, information or indictment, notices, orders, decrees and judgments."
Iowa—continued

[232.57]  "All information obtained and social records prepared . . . shall not be disclosed directly or indirectly . . . unless otherwise ordered by the judge."

Penalty for Neglect Reportable Under Child Abuse Law

[235A.3]  "... shall make a report . . . of cases of child abuse and willful neglect . . ."

Nature of Report:

Mandatory; accusatory; for under the age of 18 for health professionals.

Permissive; non-accusatory; for under age 18 for any other person who believes "child has had physical injury inflicted upon him as a result of abuse. . . ."

(See: Definition—"abuse" contains an element of neglect by referring to "omissions" as well as "acts of parents.")

Immunity:

From any liability, civil or criminal, for one participating in making a report, photograph or x-rays, pursuant to statute, in good faith.

Waivers:

Physician-patient; husband-wife; ". . . or the testimony of a health practitioner as to confidential communications."

Penalty:

A knowing and willful failure to report is a misdemeanor and upon conviction one may be fined not more than one hundred dollars or be imprisoned in the county jail for not more than ten days. Further, for one required to report who knowingly fails to do so, become civilly liable for the damages proximately caused by such failure.

Central Registry:

Yes. State department of social services. New statutory directives for the establishment of the registry; for control of access to it and dissemination of information, including provisions for examination of reports by any person or their attorney referred to in a report; sealing and expungement of information; civil remedy for any aggrieved party; and criminal penalties for willful request of information under false pretenses or the willful release of information. (See Special Clauses.)
Termination of Parental Rights

**Grounds:**

[232.41]

Yes—[§§ 232.40-232.50; last amended 1970.]

Upon a hearing and proof based upon a preponderance of the evidence, if the court finds one or more of the following conditions exist:

- parents have abandoned;
- parents for good cause desire to terminate and give written consent;
- substantial and continuous or repeated refusal to give child necessary parental care and protection;
- though financially able, parents substantially and continuously neglect to provide necessary subsistence, education or other care necessary for physical or mental health or morals . . . or have neglected to pay for subsistences, education or other care when legal custody is lodged with others;
- parents unfit by reason of debauchery, intoxication, habitual use of narcotic drugs, repeated lewd and lascivious behavior, or other conduct found by the court likely to be detrimental to the physical or mental health or morals of the child;
- that following an adjudication of neglect or dependency, reasonable efforts under the direction of the court have failed to correct the conditions.

“Parents who consents to the termination may waive in writing required notice of hearing. . . . If the parent is incompetent the waiver shall be effective only if the guardian ad litem of the parent concurs in writing.’’

[232.45]

“No termination of relationship between parents and child shall be ordered . . . except pursuant to 232.41 through 232.50.”

[232.40]

“If after a hearing the court does not terminate the parent-child relationship but determines that conditions of neglect exist, the court may find the child neglected and may enter an order in accordance with the provisions of section 232.33.”

[232.47]

“If after a hearing the court terminates . . . shall order guardianship . . . transferred to

(1) county department of social welfare;
(2) licensed child placing agency;
Iowa—continued

**Effect:**

[232.48] Termination applies to parents or to the only surviving parent or to the mother of a child born out-of-wedlock.

**Special Clauses**

Neglect Section

Guardian ad litem:

"The hearing on the merit of the petition shall not take place without the presence of one or both of the parents or guardian, or if none is present a guardian ad litem shall be appointed by the court to protect the interests of the child. The court shall also appoint a guardian ad litem whenever necessary for the welfare of the child whether or not a parent or guardian is present."

Preference in placement:

"The court in committing a child shall place such child as far as practicable in the care and custody of the individual or an institution controlled by persons holding the same religious belief as the parents of the child."

**Reporting Statute**

Other:

"Any aggrieved person may institute a civil action for damages under chapter twenty-five A (25A) or six hundred thirteen A (613A) of the Code or to restrain the dissemination of child abuse information in violation of this act, and any person, agency or other recipient proven to have disseminated or to have requested and received child abuse information in violation of this act shall be liable for damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney's fees. . . . In no case shall the award for damages be less than one hundred dollars."

Other:

"Any person who willfully requests, obtains, or seeks to obtain child abuse information under false pretenses, or who willfully communicates or seeks to communicate child abuse information to any agency or person except in accordance with . . . this act, or any person connected with any research
authorized pursuant to . . . this act who willfully falsifies child abuse information or any records relating thereto, is guilty of a criminal offense and upon conviction for each such offense be punished by a fine of not more than one thousand dollars or by imprisonment in the state penitentiary for not more than two years, or by both such fine and imprisonment. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate . . . information except in accordance with . . . this act shall for each such offense be fined not more than one hundred dollars or be imprisoned not more than ten days."

Termination Section

_Guardian ad litem:_
Section 232.11 applies.
KANSAS

CITATION


PURPOSE CLAUSES

[38-801; last amended 1957]
Criminal—Reporting Statute

"This act shall be liberally construed, to the end that each child coming within its provisions shall receive such care, custody, guidance, control and discipline preferably in his own home, as will best serve the child's welfare and the best interests of the state..."

[38-716; last amended 1972]
Civil—Neglect Section

"(g) 'Dependent and neglected child'... less than 18:

(1) whose parent neglects or refuses, when able to provide proper or necessary support and education required by law, or other care necessary for his well-being;

(2) who is abandoned or mistreated by his parent, step-parent, guardian or other lawful custodian;

(3)... occupation, environment or association is injurious to his welfare;

(4) otherwise without proper care, control or support.

(5) who, by reason of the neglect of his parent or to provide him with proper or necessary support, education or care, is in the custody of a children's aid society or is being supported by the county or state;"

[38-722; last amended 1972]
Criminal—Reporting Statute

"... 'physical or mental abuse' means the infliction of physical or mental injury or the causing of deterioration of a child and shall include failing to
Part IV: Digests of Neglect Laws

<table>
<thead>
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<th>Neglect Hearing</th>
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<td><strong>Rights:</strong></td>
<td>Right to cross-examine witnesses.</td>
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<tr>
<td>[38-813]</td>
<td>Child, parent, guardian or other person having legal custody of child have right to retain counsel of their own choosing. “Upon the failure to retain counsel and notify court within five (5) days of the name and address of such counsel, the court will appoint counsel for such child and the cost may be assessed to the parent.”</td>
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<td>[38-817]</td>
<td>Guardian ad litem for child or parent who is a minor or who is mentally ill. (See Special Clauses.)</td>
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<td>[38-821]</td>
<td>Appeals to district court within 30 days. Appeal does not suspend or vacate the juvenile court order or decree.</td>
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<td><strong>Procedures:</strong></td>
<td>All persons except counsel, officers of the court and testifying witnesses may be excluded.</td>
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<td>[38-822]</td>
<td>Trial of any person charged with 38-830—same procedure as that provided for misdemeanor before justice of the peace.</td>
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<td><strong>Dispositions:</strong></td>
<td>Transcript of proceedings.</td>
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<tr>
<td>[38-823]</td>
<td>During pendency of hearing may refer child for evaluation at state institution with facilities for care and treatment of children.</td>
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<td>[38-824]</td>
<td>May find child under 16 dependent and neglected either at an initial hearing or at any subsequent hearing, and:</td>
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<td>- make child a ward of the court;</td>
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<td>- commit child to:</td>
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<td>- custody of either or both of his parents;</td>
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<td>- care, custody and control of a probation officer or other individual; under direction of the court</td>
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<td>- care of some children's aid society; or</td>
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<td>- county department of social welfare.</td>
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<td>When the health or condition of such child shall require it, the court may cause the child to be placed in a public or private hospital... for medi-</td>
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Kansas—continued

[38-819] Court may make temporary custody order and a support order.

[38-824(c)] May deprive parent of parental rights. (See TERMINATION OF PARENTAL RIGHTS.)

Length & Effect: [38-806]
When jurisdiction is acquired, it may continue until child is 21 years, if such child has not been adopted or placed for his minority, with a children's aid society or with a public or private institution used as a home.

[38-829] Court may revoke or set aside order giving custody and make any further order that seems best.

[38-825] When parents have not been deprived of parental rights, they may file a petition requesting return of child; court shall set date for hearing, notify all parties and determine from the evidence what would be best for the child.

[38-834] Order modifiable upon court's own motion...

Records: [38-805]
Official court records (petition, orders, writs) open to inspection only by consent of judge, or upon order of judge of district court, or upon order of the supreme court. All information obtained and records prepared by an employee...privileged, and shall not be disclosed, directly or indirectly, to anyone other than the juvenile court judge or other entitled under this act to receive such information, unless and until otherwise ordered by such judge.

Penalty for Neglect

[38-830] Yes.

Causing, encouraging or contributing to dependency or neglect of a child is a misdemeanor. Upon trial and conviction fined not more than $1,000 or imprisoned in the county jail for not more than 1 year or both.

[38-824(c)] Deprival of parental rights for adjudication of parental unfitness. (See TERMINATION OF PARENTAL RIGHTS.)

Reportable Under Child Abuse Law

Yes—[Criminal Code §§ 38-716 through 38-722; last amended 1974.]

"having reason to believe that such child has had
Part IV: Digests of Neglect Laws

**Nature of Report:** Mandatory; accusatory; for under the age of 18.

**Immunity:** From criminal and civil liability if reported without malice.

**Waivers:** Physician—patient and similar privileges.

**Penalty:** A knowing and willful violation constitutes a misdemeanor.

**Central Registry:**
"Juvenile judge or department of social welfare of each county, upon receipt of a report . . . shall report the matter as soon as practicable to the state department of social welfare upon forms to be provided by such agency."

**Termination of Parental Rights Grounds:**
Yes—[§§ 38-820; -824(c); last amended 1973. A possible disposition of the Neglect Hearing.]

"When the parents, or parent in the case there is one parent only, are (or is) found and adjudged to be unfit persons (or an unfit person) to have the custody of such . . . child . . . the court may make an order permanently depriving such parents . . . of their parental rights and commit the child;

(1) To the care of some reputable citizen of good moral character;

(2) To the care of some suitable public or private institution used as a home or place of detention or correction;

(3) To the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent and neglected children.

(4) To the secretary of social and rehabilitative services."

**Rights & Procedures:**
[38-820]

"No order or decree permanently depriving parent of his parental rights . . . unless parent is present in juvenile court or has been served with a summons.

Judge shall assign attorney to any parent . . . unable to employ counsel and may award a reasonable fee. . . ."
Kansas—continued

Special Clauses

[38-821]  Civil—Neglect Section

Guardian ad litem:

“In all hearings . . . juvenile court shall appoint a guardian ad litem who shall be an attorney at law to appear for, represent and defend:

(a) A child who is subject of proceeding under this act; or

(b) A parent, who is a minor or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings. . . . The guardian ad litem shall make an independent investigation of the facts and representations made in the petition and he may be allowed a reasonable fee for such services to be fixed by the juvenile court, and taxed as costs of such proceedings; such costs may be taxed to the parent, conservator, or custodian, or they may be taxed to the county and paid out of the county general fund.”

[38-801]  Waiver of disability:

“. . . In no case shall any order, judgment, or decree of the juvenile court, in any proceedings under the provisions of this act, be deemed or held to import a criminal act on the part of the child; but all proceedings, order judgments and decrees shall be deemed to have been taken and done in exercise of the parental power of the state.”

[38-802]  Other:

“. . . except that a child shall not be classed. . . . ‘dependent and neglected’ . . . solely because of the fact that he or his parent or both receive assistance under the social welfare acts. . . .”
Part IV: Digests of Neglect Laws

KENTUCKY

**Citations**


**Purpose Clause**

[199.335; as amended 1972]

Reporting Statute

“... to provide for the protection of children who have had physical injury inflicted upon them and who are further threatened by conduct of those responsible for their care and protection, or who are suffering from severe malnutrition, sexual abuse or severe neglect and to bring said cases under the purview of the County Court sitting in juvenile session... thereby causing the protective services of the state to be brought to bear in an effort to prevent further abuses and neglect.”

**Definitions**

[208.010; as amended 1962]

“child” any person not reached his 21st birthday. “neglected or dependent child”—means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others.

**Neglect Hearing**

**Rights:**

[208.060]

Child, parents, guardian or custodian have right to counsel and if unable to obtain, court shall appoint.

[208.380]

Any party aggrieved by a proceeding may appeal to the circuit court as a matter of right.

**Procedures:**

[208.060]

Separate hearings and without a jury; informal; general public excluded; witnesses admitted only for the duration of their testimony. Presence of child may be waived. Two hearings: adjudicatory to determine truth or falsity, of allegation in petition by taking of evidence; and disposition to determine action best taken in behalf of child, according to Rules of Criminal Procedure. Adjudications must be supported by evidence beyond a reasonable doubt.

[208.030]

Proceedings kept in special record book.

[208.140]

Judge shall cause an investigation to be made and it becomes part of the record of the proceedings. It “shall include an inquiry into the child’s age,
Kentucky—continued

Dispositions:

[208.080] “If a child is in such condition or surroundings that his welfare requires that his custody be immediately assumed . . . judge may order . . .”

[208.020(6)] Juvenile court has no jurisdiction to make permanent awards of custody. May make temporary orders for custody, pending outcome of proceedings in circuit court to determine custody.

[208.160] May order child treated, including surgical procedure “except for purpose of abortion or sterilization, after a hearing . . . shall be to determine necessity of such . . . reasonable notice . . . shall be provided the parents, guardians or custodian . . .”

[208.060] May dismiss if deemed in the best interest of the child to adjudicate informally.

Penalty for Neglect

Yes.

[208.020(3)] Juvenile session of county court has exclusive jurisdiction of persons who knowingly encourage, aid, cause or in any manner contribute to the conditions . . . cause a child not yet 18 to become neglected or who willingly fail to do any act that will directly tend to prevent a child from becoming neglected.”

[208.990] Fined not less than $100 nor more than $500 or imprisoned in county jail for not less than 30 days nor more than 6 months, or both.

Reportable Under Child Abuse Law

Yes—[§§ 199.335; last amended 1972.]

“ . . . serious physical injury or injuries inflicted upon him other than by accidental means or whose health appears to be endangered from malnutrition, sexual abuse, or gross neglect which would affect either the physical, mental or emotional well-being of the child . . .”

Nature of Report:

Mandatory; non-accusatory; for child under the age of 18.

Immunity:

From criminal and civil liability if reported with reasonable cause.
Waivers: Physician-Patient; Husband-Wife.

Penalty: For a willing and knowing failure to report, not less than $10 nor more than $100.

[199.990]

Central Registry: No statutory provision. The Bureau of Community Services of Department of Child Welfare maintains a registry as a matter of administrative policy.

Termination of Parental Rights Yes—[§ 199.600 et seq.; last amended 1968.]

Grounds: "(1) . . . if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially or continuously or repeatedly neglected the child or refused to give the child parental care and protection, or that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year . . . ."

[199.605] Multiple illegitimate births, "shall be prima facie evidence of the woman's unfitness to have the custody and control of said children, and if not rebutted may be considered sufficient evidence upon which to base a judgment terminating parental custody . . . ."

[199.620] Consent may also be a ground for termination.

Procedures: Parents must be personally summoned. Proceedings may be instituted via petition by the department, any probation officer, any state or local law enforcement officer, any county or state attorney or parent.

Court shall appoint an attorney if person requests counsel. May appoint for any defendant if of opinion justice will be served. Appointed counsel fees cannot exceed $150.

[199.615] Records confidential.

Dispositions: Court may terminate all parental rights and declare child, a ward of the state; may vest the care, conduct and control of the child in the department, or in any licensed child-care or child placing agency or institution.
Kentucky—continued

Termination order is final and appealable as in equity cases.

[199.630(2)]  “Where parental rights have been terminated . . . all legal relations . . . shall cease to exist, the same as if the relationship of the parent and the child had never existed, except that the child shall retain the right to inherit from his parents . . .”

Special Clauses

Neglect Section

[208.250]  Preference in placement: Religious faith of parents to be considered in placements.

[208.350]  Waiver of disability: “. . . disposition of any child under the provisions of K.R.S. 208.010 to 208.540 or any evidence given in the case shall not be lawful evidence against the child for any purpose.”

Reporting Statute

Other:

[199.355(4)]  “The fact that a report . . . has been received is sufficient grounds for issuance of a search warrant, and if pursuant to a search . . . a child is discovered and appears to be in imminent danger, the child may be removed . . . a child who is in a hospital or under the immediate care of a physician . . . in certain danger of injury or death if he is returned to the persons having custody of him, the physician or hospital . . . may hold . . . without court order provided that an attempt is made to obtain such court order at the earliest practicable time not to exceed twenty-four (24) hours.”

[199.335(5)]  “In a proceeding before the juvenile court . . . substantial evidence that the child has been physically abused, is suffering from malnutrition, sexual abuse, or gross neglect shall make a prima facie case for removal . . . even though . . . not proved conclusively who has perpetrated the abuse or . . . caused the neglect.”
PART IV: DIGESTS OF NEGLECT LAWS

LOUISIANA

CITATIONS

PURPOSE CLAUSE

[13:1592; 1950] Civil—Neglect Section
"... shall be liberally construed to the end that each child coming within the jurisdiction of the court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and best interests of the state, and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them."

[14:403; last amended 1972] Criminal—Reporting Statute
"... to protect children whose physical or mental health and welfare are adversely affected by abuse and/or neglect and may be further threatened by the conduct of those responsible for their care and protection by providing for mandatory reporting of suspected cases... as a result of such reports protective services of state shall be brought to bear on situation in an effort to prevent further abuses and to safeguard and enhance the welfare of these children..."

DEFINITIONS

[13:1569; as last amended 1973] "Child"—person less than 17 years of age.

16. "neglected or dependent child"—means a child:
(a) "who has been abandoned by his parents, tutor or other custodian;"
(b) "who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, tutor or other custodian or their neglect or refusal when able to do so, to provide them;" or
(c) "whose parents, tutor or other custodian are unable to discharge their responsibilities to and for the child because of their incarceration,
hospitalization or other physical or mental incapacity;" or
(d) "who is a live born human being ... who survives and is not killed in an abortion attempt; provided that a human being is live born, or there is a live birth, whenever there is the complete expulsion or extraction from its mother of a human embryo or fetus, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached."

21. "termination of parental rights"—permanent elimination by court order of all parental rights and responsibilities.

22. "residual rights and responsibilities"—remaining with parents after transfer of legal custody or guardianship including, but not necessarily limited to rights of visitation, consent to adoption, right to determine religious affiliation and responsibility for support."

[14:403B(4)]

Criminal—Reporting Statute
"neglect . . . failure to provide by those legally responsible for the care and maintenance of the child, the proper or necessary support, education as required by law, or medical, surgical or any other care necessary for this well-being."

Neglect Hearing

Rights:

[13:1579] All parties right to counsel; court may assign counsel if informed of the need before the hearing.

An adult defendant may waive his right to a public trial.

[13:1591] Appeals in both cases of neglect determination and in criminal proceedings against adults for neglect. Later appeals if fine exceeding $300 or imprisonment exceeding 6 months actually imposed.

Procedures:

[13:1579] All cases of children heard separately from trial of adults and without a jury.

General public excluded.
Hearing reported or recorded by stenographer; if a party desires a transcript for appeal, pays the cost unless the court determines he is financially unable to bear the burden.

Conducted in accord with the general rules of procedures used in civil proceedings; court has power to frame and publish rules of procedures.

In trial of adults:

Same rules as for trial of adult on a misdemeanor charge in any other court of criminal jurisdiction, except see above waiver of right to a public trial.

District attorney prosecutes case, "provided that counsel may be retained by persons interested in the child . . . involved to assist in the prosecution and such counsel may be authorized by the district attorney to conduct the prosecution in the name of the state."

"Whenever . . . informs the court that a child is within the purview of this chapter, the court shall cause . . . an inquiry to determine whether the interests of the public or of the child require that further action be taken . . . court may make such informal adjustment as is practicable without a petition or may authorize a petition to be filed . . ."

If the court finds a child neglected, may adjudge child so and proceed as follows:

1) Place on probation or under supervision in his own home or in the care or custody of a suitable person elsewhere; as the court may determine.

2) Assign custody to a public or private institution or agency authorized to care for children or to place them in family homes:

3) Make such other disposition for the best interests of the child, including commitment to a public mental hospital or institution for the mentally defective;

4) May dismiss the petition, provided nothing in statute construed to authorize removal from custody of parents, unless child's welfare, safety and protection of the public cannot in the opinion of the court be adequately safeguarded without such removal.
Louisiana—continued

[13:1583] May order any person coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist appointed by the court and treated in the hospital or otherwise.

[13:1590] Court has authority to order the parent, guardian, custodian or other person to attend family counseling sessions, mental health centers to assist in obtaining vocational training or special educational placement for the child or assist in any other adjustment program deemed appropriate.


[13:1571.10(B)] Orders modifiable.

Records:
[13:1586] “... privileged information and shall not be subject to public inspection; provided. . . .

Penalty for Neglect
[14:92.1] Yes—Criminal
 encouring or contributing to neglect of child; Fine not exceeding $1,000 or imprisonment not more than 2 years with or without hard labor, or both. Court may suspend and impose conditions on defendant as to his future conduct and require a bond.

Reportable Under Child Abuse Law
"... cause to believe that a child’s physical or mental health or welfare has been or may be further adversely affected by abuse or neglect . . ."

Nature of Report: Mandatory; non-accusatory; for under the age of 17.

Immunity: From criminal and civil liability if reported in good faith.

Waivers: Husband-wife; any privilege between any professional person and his client, with the exception of the attorney-client privilege.

Penalty: A knowing and willful violation a misdemeanor punishable by fine not to exceed $500 or imprisonment for not more than 6 months or both.
Central Registry: “There shall be established and maintained in Baton Rouge by the Department of Public Welfare, a central registry of cases of child abuse and/or neglect reported... department may adopt such rules and regulations as may be necessary in carrying out the provisions of the section.”

Termination of Parental Rights

No

Only definition as found in 13:1569(21).

Special Clauses

Neglect Section

Preference in placement:

“In placing a child in the custody of an individual or of a private agency or institution, and in granting adoption the court shall whenever practicable select a person or an agency or institution governed by persons of the same religious faith as that of the parents of... or in the case of a difference in the religious faith of the parents, then of the... faith of the child, or, if the... faith of the child is not ascertainable, then of the faith of either of the parents.”

Waiver of disability:

“. . . no adjudication... shall operate to impose any of the civil liabilities ordinarily resulting from conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction. The disposition of a child or any evidence given in the court shall not operate to disqualify the child in any future civil service application or appointments.”

Other:

“If admission to the home or school, or any place where the child may be, or if permission of the parents or persons responsible for the child’s care for the physical and/or psychological or psychiatric examination cannot be obtained, the court with juvenile jurisdiction, upon cause shown, shall order the parent or persons responsible for the care of child, or the persons or persons in charge of any place where the child may be, to allow entrance for the interview, the above mentioned examination, and other investigations.”
MAINE

Citation


Purpose Clause

[22-3701; last amended 1965]

"The department ... is authorized to cooperate with the Federal Government in providing child welfare services which are defined as public social services which supplement, or substitute for parental care and supervision for the purpose of preventing or remedying or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children, protecting and promoting the welfare of children of working mothers and otherwise protecting the welfare of children, including the strengthening of their own homes where possible or where needed, the provision of adequate care of children away from their homes in foster homes or day care or other child care facilities; and in expending funds made available for such purposes."

Definitions

[22-3700; 22-3792; last amended 1972]

"Child" or "minor child"—any person who has not attained the age of 18 years.

"neglect" not defined explicitly ... By implication a neglected child is ... "a minor child under the age of 18 years ... living in circumstances which are seriously jeopardizing the health, welfare or morals of such child ... and that is in need of protection, custody ..."

Neglect Hearing

Rights:

[22-3793]

Appeal may be taken to the Superior Court from the order or decree of any probate court or the District Court, determining the custody of the child.

[22-3798]

Whenever a child has been committed to the custody of another person or agency, parents may petition the Superior Court to have custody restored, and: "... if upon such hearing, it appears that the petitioner is of sufficient ability and inclination suitably to provide for the maintenance and
education of said child, and that justice requires that its custody be restored to said petitioner, the court shall so order, and the custody and control . . . shall . . . thereafter be given to said petitioner until further order of the court.”

**Procedures:**

[22-3793] “The court shall fix a time for hearing and shall order that notice be given to the parents or guardian . . . in such manner and such lengths of time as the court deems proper provided that unless notice is waived in writing . . . hearing shall not be fixed for a time less than 10 days after service is made . . .”

**Dispositions:**

May hear and order minor children committed into custody of department or any suitable person, provided such person consents to accept custody.

[22-3792] May order care pending hearing without notice to parents or guardian . . . “if any such child is living in circumstances deemed by the court to present serious, immediate and urgent danger to the child’s safety or life.”

May order parent to contribute to support of minor.

**Length & Effect:**

[22-3793] Any commitment order or decree has effect of divestment of parents’ legal rights, provided “no child whose parents have been divested of all legal rights to said child . . . may be legally adopted prior to one year from the date of the order or decree so divesting said parents.”

Order may not extend beyond time when child reaches 18 years. Though parents legal rights in respect to child are divested, parent not relieved of liability for support.

**Records:**

No specific provisions.

**Penalty for Neglect**

[22-3791] Yes.

“The department and its agents . . . shall investigate all cases of cruel or injurious treatment of children coming to their knowledge, and shall cause offenders against any law for the protection of children or prevention of cruelty to the same to be prosecuted. The costs of court proceedings
under this section shall be taxed and paid in the same manner as in any criminal process. All fines imposed for the punishment of offenses under this chapter shall be paid over to the county treasurer of the country in which the offenses may have been committed.”

(See tit. 17, § 851 et seq. for criminal offenses involving children.)

Reportable Under Child Abuse Law

No.

Termination of Parental Rights

Yes—[tit. 22, § 3793; last amended 1972.]

No statutory language: “termination of parental rights except divestment after one year from the date of the order or decree of commitment, has the effect of divesting the parent of all legal rights in respect to the child, and child may be adopted. (See NEGLECT HEARING—Dispositions.)

Special Clauses

Neglect Section.

Preference in placement:

“Any child who shall come under the supervision of the department by virtue of this chapter shall when placed for foster care or adoption in a family be placed in a family of the same religious faith as that requested in writing by the parents or surviving parent of such child, on a form furnished by the department where a suitable family of such faith can be found willing to take such child.”

Other:

“Nothing in this chapter shall be construed as authorizing any public official, agent or representative in carrying out this chapter to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such, except pursuant to a proper court order.”
MARYLAND

CITATIONS


PURPOSE CLAUSE

[3-802; last amended 1973]

“(a) The purposes . . . are:

(1) To provide for the care, protection, and wholesome mental and physical development of children. . . .;

(4) To place a child in a wholesome family environment whenever possible;

(5) To separate a child from his parents only when necessary for his welfare or in the interest of public safety;

(6) To provide judicial procedures for carrying out the provisions of the subtitle.

(b) This subtitle shall be liberally construed. . . .”

DEFINITIONS

[3-801; last amended 1973]

“child” or “minor”—person under the age of 18 years.

“neglected child”—one “who requires the aid of the court and either

(1) Has been abandoned or deserted by his parents, guardian, or other custodian;

(2) Whose parents, guardian . . . does not adequately supply him with food, clothing, shelter, education, medical, or other remedial care recognized by state law or other care or control although financially able, or offered the financial means to do so; or

(3) Who suffers or is likely to suffer serious harm from an improper home environment or guardianship, including the lack of moral supervision or guidance of his parents, guardian or custodian.

NEGLECT HEARING

Rights:

[3-805] Adult defendant entitled to election of trial in juvenile court or in the criminal court according to the usual criminal procedure.

[3-830(d)] “A party is entitled to representation by legal counsel at every stage of any proceeding under this subtitle.”

Procedures:

[3-806] Court may appoint guardian of the person.
"Before a petition concerning a child is filed, a preliminary inquiry shall be made to determine whether the interests of the child or of the public require that the petition can be filed."

Provision for informal adjustment if it appears:
Counsel and advice, without an adjudication, would be in the best interests of the public and child; and
The parties consent in writing to the informal adjustment with knowledge that consent is not obligatory.

"(b) During the informal adjustment process, a party may not be compelled to appear at any conference, produce any paper, or visit any place."

"A hearing shall be held promptly, as prescribed by the Maryland Rules. . . . Reasonable notice, oral or written, stating the time, place, and purpose of the hearing, shall be given. . . ."

The court first holds an adjudicatory hearing, followed, if the allegations are sustained, by a disposition hearing.

"(b) If an adult is charged . . . the allegations must be proved beyond a reasonable doubt.
(c) In all other cases the allegations must be proved by a preponderance of the evidence."

"If a child is found to be:
(3) Neglected:
The court may make the disposition best suited to the physical, mental, and moral welfare of the child."

Court may determine custody or appoint guardian.

"(9d)—A child alleged to be neglected . . . may not be placed in detention, but only in shelter care facilities maintained by the Department of Social Services or any agency licensed by the Department of Social Services or any home or facility maintained by the Department of Juvenile Services for the child in need of supervision."

"(a) After a petition has been filed, the court may
direct a probation officer or a qualified agency
designated by the court to make a study
concerning the child, his family, his environ-
ment, and other matters relevant to the dis-
position of the case and submit the report to
the court in writing."

"(c) As part of the study, the child or any parent,
guardian, or custodian may be examined at a
suitable place by a physician, psychiatrist,
psychologist, or other professionally qualified
person."

[3-828] "At any stage . . . the court may order emergency
medical or surgical treatment of a child alleged to
be suffering from a physical condition or illness
which . . . requires immediate treatment, and if
parents, guardian, or other custodian are not avail-
able or, without good cause; refuse to con-
sent. . . ."

[3-836] "If a child is committed to an individual or to a
public or private agency, the court may require the
custodian to file periodic written progress reports,
with recommendations for further supervision,
treatment or rehabilitation."

[3-837] "Pursuant to the procedure provided in the Mary-
land Rules, the court may make an appropriate
order directing, restraining, or otherwise control-
ing the conduct of the person who is properly be-
fore the court, including the assessment of court
costs, restitution, and support payments, if:

(1) An order of disposition has been made. . . .
(2) The court finds that the conduct:
   (i) Is or may be detrimental or harmful to
the child;
   (ii) Will tend to defeat the execution of the
order of disposition made or to be made;
   . . . ."

Length & Effect:
[3-835] "... an order vesting legal custody in an indivi-
dual, agency, or institution is effective for an inde-
terminate period of time. . . .
The court may renew the order upon its own
motion, or pursuant to a petition filed by the indi-
vidual, institution, or agency having legal custody
after notice and hearing. . . ."
Maryland—continued

Any order under this section is not effective after the child becomes 21 years old."

Records:
[3-838] Court may order records sealed.

Penalty for Neglect  Yes.
[3-840]  "If is unlawful for an adult willfully to contribute to, encourage, cause or tend to cause any act, omission, or any condition which renders a child neglected, . . .
A person may not be convicted under this section until the child has been adjudicated neglected. . . ."

[3-841] Court may order person to do or refrain from doing certain acts, impose a fine of not more than $500 or imprisonment for not more than two years. Or, court may continue the proceeding, release an adult on probation for not more than one year; or may impose a fine or imprisonment and suspend the sentence.

Reportable Under Child Abuse Law  No.

Termination of Parental Rights  No.

Special Clauses

Neglect Section

Guardian ad litem:
"The court may determine the custody or appoint a guardian of the person of a child only if the child is otherwise subject to the jurisdiction of the court."

Waiver of disability:
No adjudication of the status of a child under this subtitle is a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

The proceedings in the juvenile court regarding a child are not admissible as evidence against him in criminal proceedings, prior to conviction, unless the charge is perjury.
Other:

“(a) A statement made by a participant while counsel and advice are being given, offered, or sought, or other information secured in the discussions or conferences incident to the informal adjustment may not be admitted in evidence in any adjudicatory hearing or in a criminal proceeding against him, prior to conviction.

(b) Any information secured or statement made by a participant during preliminary inquiry as required by § 3-810 or predisposition study as required by § 3-827 may not be admitted in evidence in any hearing prior to the adjudication or in a criminal proceeding against him prior to conviction.”
MASSACHUSETTS

CITATIONS


PURPOSE CLAUSE

[119-1; last amended 1972]

Neglect Section

"... policy ... to direct ... efforts, first, to the strengthening and encouragement of family life for the protection and care of children; to assist and encourage the use by any family of all available resources to this end; and to provide substitute care of children only when the family itself or the resources available to the family are unable to provide the necessary care and protection to insure the rights of any child to sound health and normal physical, mental, spiritual and moral development.

The purpose of this chapter is to insure that the children of the Commonwealth are protected against the harmful effects resulting from the absence, inability, inadequacy or destructive behavior of parents or parent substitutes, and to assure good substitute parental care in the event of the absence, temporary or permanent inactivity or unfitness of parents to provide care and protection for their children."

DEFINITIONS

[119-24; last amended 1973]

No statutory definitions of "neglected child," but the juvenile courts or juvenile sessions of district courts are empowered to hear petitions alleging on behalf of a child under 16 years within the jurisdiction of the court that said child is: "... without the necessary and proper physical, educational or moral care and discipline, or is growing up under conditions or circumstances damaging to a child's sound character development, or who lacks proper attention of parent, guardian with care and custody or custodian, and whose parents or guardian are unwilling, incompetent or unavailable to provide such care. . . ."

NEGLECT HEARING

Rights:

[119-29]

Parents, guardian or custodian of child have right
Part IV: Digests of Neglect Laws

Procedures:

[119-26]

"... the court may excuse the child from the hearing and ... proceed to hear the evidence."

[119-29]

Court may appoint counsel whenever in its discretion it determines that it is required in the interest of justice.

The department (of public welfare) shall be represented by the district attorney.

Closed to general public.

[119-38]

[119-21]

“Evidence”—“... admissible according to the rules of the common law and the General Laws and may include reports to the court by any person who has made an investigation of the facts ... and is qualified as an expert according to the rules of the common law or by statute or is an agent of the department or of an approved charity, corporation or agency substantially engaged in the foster care or protection of children ... person reporting may be called as a witness by any party for examination as to the statements made in the report ... Such examination ... conducted as though it were on cross-examine."

Dispositions:

“... the court may excuse the child from the hearing and ... proceed to hear the evidence."

If the court finds the allegations in the petition proved within the meaning of this chapter, it may adjudge ... child ... in need of care and protection and may commit the child to the custody of the department ...; or make any other appro-
Massachusetts—continued

appropriate order with reference to the care and custody of the child as may conduce to his best interests including but not limited to any one or more of the following:

(1) . . . permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations which the court may prescribe including supervision as directed by the court for the care and protection of the child.

(2) . . . subject to such conditions and limitations as it may prescribe, transfer temporary legal custody to any of the following:

(i) any individual who, after study by the probation officer . . . or agency designated by the court, is found . . . to be qualified to give care to the child;

(ii) any agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child;

(iii) the department of public welfare.

(3) It may order appropriate physical care including medical or dental care.

In appropriate cases. . . . shall order the parents . . . . to reimburse the Commonwealth or other agency for care.”

Length & Effect:
[119-26] “. . . the department, parents, person having legal custody of, or counsel for a child may petition the court not more than once every six months for a review and redetermination of the current needs of . . . child whose care has come before the court.”

[119-26] Commitment to the custody of the department may be until child becomes eighteen years of age or until in the opinion of the department the object of his commitment has been accomplished.

Records:
No clear directives.

Penalty for Neglect

“Whoever abandons an infant under the age of ten . . . 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 . . . if of sufficient physical and mental ability, neglect to visit or
remove such infant or notify the department of his inability to support . . . shall be punished by imprisonment in a 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.”

Reportable Under Child Abuse Law

Yes—[ch. 119, §§ 51A-51G; added 1973.]

“. . . shall have reasonable cause to believe that a child . . . is suffering serious physical or emotional injury resulting from abuse inflicted upon him including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth . . .”

Nature of Report:

Mandatory for professionals; permissive for any other person; non-accusatory; for the child under 16 years.

Immunity:

“No person . . . required to report shall be liable to any civil or criminal action by reason of such report. No other person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith.”

Waivers:

“The privilege between husband-wife, patient-psychotherapist, or any other privilege established by court decision or by profession [sic] code relating to the exclusion of confidential communications and the competency of witnesses, may not be invoked in any civil action arising out of a report made pursuant to this section.”

Penalty:

No.

Central Registry

Yes.

“The department shall maintain a central registry of information sufficient to identify children . . . (who are the subject of abuse reports.) Data and information relating to individual cases . . . shall be confidential and shall be made available only with the approval of the commissioner or upon court order. The commissioner shall establish rules and regulations governing the availability of such data. . . .”
Massachusetts—continued

Special Clauses

Neglect Section

[119-33] Preference in placement:

"When a child is placed in family home care, ... shall use a family home of the same religious faith as that of the child unless sufficient reason precludes this, which reason must be a part of the record of the child's care. The words 'same religious faith' shall in the case of any denomination of the Protestant religion include any other denomination of the same religion."

Other:

[119-23E] "Any child under fourteen years who is left in any place and who is seemingly without a parent or legal guardian available shall be immediately reported to the department, which shall proceed to arrange care for such child temporarily and shall forthwith cause search to be made for the parent or guardian. If the parent cannot be found or is unable or refuses to make suitable provisions for the child, the department shall make such lawful provision as seems for the best interest of such child within the provisions of this chapter."

Reporting Statute

Other:

[119-51C] "If a parent or other person requests the release from a hospital of a child reported ... the presiding judge ... if he believes such release would be detrimental to the child's health or safety, authorize the hospital and the attending physician, by any means of communication, to keep such a child ... until custody is transferred to the department or until a hearing may be held ..."

"Any other physician treating a child ... may be so authorized ... to keep such child in his custody until such time as the custody ... has been transferred to the department or until a hearing. ..."

[119-51D] Other:

"The commissioner of public welfare may establish throughout the Commonwealth child protection consultation and advisory boards. ... The consultation and advisory boards shall receive, within
a reasonable time after a case is initially reported pursuant to [this statute], a summary of the findings and recommendations on each case in which no court action has been taken. Upon receipt of the written report each board shall make a recommendation for departmental action and shall communicate such . . . to the commissioner."
CITATIONS

MICHIGAN

Citations


Purpose Clause

[598.1; as enacted 1948]

"... shall be liberally construed to the end that each child coming within the jurisdiction of the court shall receive such care, guidance and control, preferably in his own home, as will be conducive to the child's welfare and the best interest of the state and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to the care which should have been given to him by them."

Definitions

[598.2; last amended 1972]

"child" - "minor" - person under age of 17. No definition for "neglected child," except juvenile division of probate court given jurisdiction in proceedings concerning any child under 17 found within the county:

"(1) Whose parent or other person legally responsible for the care and maintenance of such child, when able to do so, neglects or refuses to provide proper or necessary support, education as required by law, medical, surgical or other care necessary for his health, morals, or who is deprived of emotional well-being, or who is abandoned by his parents, guardian or other custodian, or who is otherwise without proper custody or guardianship, or

(2) Whose home or environment, by reason of neglect, cruelty, drunkenness, criminality or depravity on the part of a parent, guardian, or other custodian, is an unfit place . . . to live in, or whose mother is unmarried and without adequate protection for care and support . . . ."

Neglect Hearing

Rights:

[598.17]

May demand a jury of 6, or the judge on his own motion may order. Parent, guardian or other custodian shall have right to counsel and to give bond or other security for the appearance of the child.
Appeal to the circuit court by the prosecuting attorney or any person aggrieved within 6 months after entry of the order.

**Procedures:**

Informal hearing that may be adjourned from time to time. Stenographic notes or other transcript taken only when requested by an attorney of record or when ordered by the court.

General public may be excluded. Court in its discretion may appoint counsel if it is desired and parent is unable to procure counsel.

Court may excuse but not restrict children from attending the hearing.

**Dispositions:**

If the child is not within the provision of the chapter, court shall enter an order to dismiss the petition. . . . If within the provision, court may enter any of the following:

(a) Place child under supervision in his own home, upon such conditions including reasonable rules for the conduct of the parent, guardian or custodian designed for the physical, mental or moral well-being and behavior of the child;

(b) Place the child in a suitable boarding home, which if not of persons related to the child, shall be licensed;

(c) Commit to a public institution or county facility or institution operated as an agency of the court or county or agency authorized by law to receive children of similar age, sex and characteristics;

(d) Provide the child with such medical, dental, surgical or other health care in a local hospital maintaining insofar as possible a local physician-patient relationship and with clothing and other incidental items as necessary;

(e) Order parents, guardian or custodian, or any other person to refrain from continuing conduct which, in the opinion of the court has caused or tended to cause the child to come within or to remain under the provisions of this act.

(f) When desirable or necessary, commit to out-of-state private institution of agency, incorporated under laws of another state and approved or
Michigan—continued

licensed by that state's department of social welfare or its equivalent.

(g) In every commitment, except when all parental rights are terminated, the order shall contain provision requiring parent to reimburse the state or county monthly for the cost of care, to the extent they are able.

Dispositions:
[598.19a] Court may order permanent custody of the child in the court. (See Termination of Parental Rights.)

Length & Effect:
[598.19] Disposition may be terminated or supplemented at any time.

(a) If placed in foster care: shall be reheard not more than 6 months after entry of order at which time the parents shall appear and be required to show the effects made by them to reestablish a home.

(b) If child stays in foster care, shall be further reheard not more than one year after entry of the original order.

(c) If still not placed permanently, shall be reheard not less frequently than annually with parents required to show what further efforts made by them to reestablish a home and why the child should not be placed in permanent custody of the court.

Records:
Court shall maintain records open only by court order to persons with legitimate interest. Court shall furnish state department of social welfare with annual reports. Actions against parents or adults only released for the public if adjudged guilty of contempt of court.

Penalty for Neglect
No.

Reportable Under Child Abuse Law
No:

Only physical injuries—abuse reportable.

Termination of Parental Rights
Yes—[§§ 598.19a through 598.22; added by Pub.
Part IV: Digests of Neglect Laws

Grounds:
[598.19a;
as amended 1972]

Court may order permanent custody of the child in the court, if it finds any of the following:

(a) "... child deserted and abandoned without provision for identification for a period of at least 6 months and the public or private agency having temporary custody has made a reasonable effort to locate the parent.

(b) "... child ... left with intent of desertion and abandonment by his parent or guardian in the care of another person without provision for a period of at least 6 months. Failure to provide support or to communicate is presumptive evidence of the parent's intent to abandon.

(c) "A parent or guardian ... unable to provide proper care and custody for a period in excess of 2 years because of mental deficiency or mental illness, without a reasonable expectation that the parent will be able to assume care and custody of the child within a reasonable length of time considering the age of the child.

(d) "A parent or guardian ... convicted of a felony of a nature as to provide the unfitness of the parent or guardian is imprisoned for such a period that the child will be deprived of a normal home for a period of more than 2 years.

(e) "The parent or guardian is unable to provide a fit home ... by reason of neglect ...

(f) "The child has been in foster care in the temporary care of the court on the basis of a neglect petition for a period of at least 2 years and upon hearing the parents fail to establish reasonable probability that they will be able to reestablish a proper home for the child within the following 12 months."

Rights & Procedures:

See Neglect Hearing.

Effect:
[598.20]

Permanent custody award to another terminates all parental rights, though such rights may be re-
instated by a supplemental order of disposition after rehearing pursuant to Section 598.21.

[598.21; 598.22]

"Any interested person, at any time while child is under jurisdiction of court, may file petition in writing and under oath, for rehearing . . . If parental rights have been terminated by an order . . . and custody of the child has been removed . . . the petition . . . shall be filed within 3 months from date of entry . . . At any time, the court may enter an order for supplemental disposition, so long as the child remains under the jurisdiction of the court."

Order is final and conclusive if lose on appeal or time within which to appeal passes.

Special Clauses

Neglect Section

Preference in placement:

". . . religious affiliation of the child shall be protected by placement or commitment to a private child placing or child-caring agency or institution, if available."

Waiver of disability:

"A disposition of any child . . . or any evidence given . . . shall not in any civil, criminal or any other cause or proceeding . . . be lawful or proper evidence against such child for any purpose . . . except in subsequent cases against the same child. . . ."

Other:

"An employer shall not use the assignment as a basis, in whole or in part, for the discharge of an employee. Compliance by an employer with the order of assignment . . . a discharge of the employer's liability to the employee as to that portion of the employee's earnings so affected."
MINNESOTA

CITATIONS


PURPOSE CLAUSES

[260.011; as amended 1959]

Civil—Neglect Section

"Subd. 2. . . . to secure for each minor under the jurisdiction of the court the care and guidance preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the state; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents . . . shall be liberally construed . . .""

[626.554; as amended 1969]

Criminal—Reporting Statute

"Subd. 1. . . . to provide for the protection of minor children who have had physical injury upon them, by other than accidental means, where the injury appears to have been caused as a result of physical abuse of neglect."

DEFINITIONS

[260.015; as amended 1971]

"(2) 'child'- . . . under 18 years . . ."

"(10) 'neglected child' means a child:
(a) . . . abandoned by his parent, guardian or other custodian; or
(b) . . . without proper parental care because of the faults or habits of his parent, guardian, or other custodian; or
(c) . . . without necessary subsistence, education or other care necessary for his physical or mental health or morals because his parent,
guardian or other custodian neglects or refuses to provide it; or

(d) . . . without the special care made necessary by his physical or mental condition because his parent, guardian, or other custodian neglects or refuses to provide it; or

(e) Whose occupation, behavior, condition, environment or associations, are such as to be injurious or dangerous to himself or others; or

(f) . . . living in a facility for foster care which is not licensed as required by law, unless the child is living in the facility under court order; or

(g) Whose parent, guardian, or custodian has made arrangements for his placement in a manner detrimental to the welfare of the child or in violation of law; or

(h) Who comes within the provisions of subdivision 5, (delinquent) but whose conduct results in whole or in part from parental neglect.”

NEGLECT HEARING

Rights:

Minor, parent, guardian or custodian have right to counsel. If unable to employ counsel, “court shall appoint counsel.”

“Subd. 6. The minor and his parent, guardian or custodian are entitled to be heard, to present evidence material to the case, and to cross-examine witnesses appearing at the hearing.”

Guardian ad litem for minor (see SPECIAL CLAUSES.)

Procedures:

Court may appoint referee to hear the case.

Without a jury; conducted in an informal manner, except for hearings arising under section 260.261 concerning adults charged with offense of neglect or contributing to neglect. General public excluded; only those persons who, in the discretion of the court have a direct interest in the case or the
Part IV: Digests of Neglect Laws

[260.151] Length & Effect. [260.191 subd. 2]

work of the court admitted.
Record of proceedings kept.
Upon request of the court, county attorney shall present the evidence.

Presence of the minor may be waived at any stage.
The parent or guardian may be temporarily excused when deemed in the best interests of the minor to do so. The attorney or guardian ad litem, if any, has the right to continue to participate during the absence of the minor, parent or guardian.

Dispositions:

[260.151] During the hearing court may make any order in the best interest of the child. May order minor examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

[260.181] May dismiss or terminate its jurisdiction.
May consider any report or recommendation made by the county welfare board, probation officer, or licensed child placing agency, or any other information deemed material.

[260.191] If court finds child neglected, shall enter an order:
(a) Placing child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court . . . ;
(b) Transferring legal custody to one of the following:
   (1) A child placing agency; or
   (2) The county welfare board;
(c) For special treatment and care if the child's physical or mental health require it.

[260.111] Court may terminate parental rights in accordance with sections 260.221 to 260.245. (See TERMINATION OF PARENTAL RIGHTS.)

"All orders . . . for a specified length of time set by the court not to exceed one year. However, before the order has expired and upon its own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other dis-
position of the case, until the individual is no longer a minor.’’

Records:
[260.161] ...

‘‘... petition, summons, notice, findings, orders, decrees, judgments, and motions ... maintained in ... file ... open at all reasonable times to the inspection of any minor to whom the records relate, and to his parents and guardian ... None of the records of the juvenile court, including legal records, shall be open to public inspection or their contents disclosed except by order of the court.’’

Penalty for Neglect
[260.255]

Yes.
If by a fair preponderance of the evidence, it appears that one has violated section 260.135, court may find person guilty of misdemeanor and impose conditions and sentence may be suspended so long as he complies with the conditions. (260.315 - contributing to neglect by act, word or omission when such is not by other provisions of law declared a felony.)

Court may order restraint from any act or omission; prohibit person from associating or communicating with child; order provision for maintenance or care and direct when, how and where money for such shall be paid.

Reportable Under Child Abuse Law

Yes—[Criminal Section 626.554; last amended 1969.]

‘‘... all cases of physical injury ... inflicted by other than accidental means which come to their attention where the injury appears to have been caused as a result of physical abuse or neglect ...’’

Nature of Report:
Mandatory; accusatory; for minor child.

Immunity:
From criminal and civil liability if reported in good faith.

Waivers:
Physician-Patient; Husband-wife.

Penalty:
‘‘A knowing and willful failure to report constitutes a misdemeanor.’’
**Central Registry**

No statutory provision. The Program Development Section, Social Services Division, Department of Public Welfare maintains one as a matter of administrative policy.

**Termination of Parental Rights**

**Grounds:**

[260.221; as amended 1971]

(a) With the written consent of parents who for good cause desire to terminate; or

(b) If the court finds that one or more of the following exist:

(1) The parents have abandoned the child; or
(2) parents have substantially and continuously or repeatedly refused to give the child necessary parental care and protection; or
(3) That, although financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others; or
(4) Parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child; or
(5) Following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination.

**Procedures:**

[260.231]

Any reputable person may petition for termination which shall be made only after a hearing in the manner provided in section 260.155. Notice must be served on the parents. If parent is a minor or incompetent, rights may be terminated on consent only if guardian ad litem in writing joins in the written consent of the parent.

**Dispositions:**

[260.235]

If the court does not terminate, but does determine
that conditions of neglect exist, may enter an order in accordance with section 260.191.

If court terminates rights of both parents, or of the mother if the child is illegitimate, or of the only living parent, the court shall order guardianship and legal custody of the child transferred to: the commissioner of public welfare, a licensed child placing agency, or a reputable individual of good character.

Upon its own motion or upon petition of an interested party, after notice to the parties and hearing, court may remove the guardian appointed by the juvenile court and appoint a new guardian.

"Any child 14 years of age or older . . . placed in a satisfactory foster home, may, with the consent of the foster parents, join with the guardian appointed by the court in a petition to discharge the existing guardian and appoint the foster parents as guardian of the child. The authority of a guardian appointed by the court terminates when the individual . . . is no longer a minor."

Neglect Section

Guardian ad litem:

"The court shall appoint . . . to protect the interests of the minor when it appears at any stage of the proceedings, that the minor is without a parent or guardian, or that his parent or guardian is indifferent or hostile to the minor's interests."

Preference in placement:

". . . shall place him so far as it deems practicable in the legal custody or guardianship of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith with the parents."

Waiver of disability:

"No adjudication upon the status of any child . . . shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of a crime. The disposition of the child or any evidence given by the child . . . shall not be admissible as evidence against him in any case or proceeding in
any other court, nor shall the disposition or evidence disqualify him in any future civil service examination, appointment or application . . .”

[626.554.2] Reporting—Criminal Statute

Spiritual healing exemption:

“. . . Provided, however, that no provision of this section shall be construed to mean that a child is neglected or lacks proper parental care solely because said child’s parent, guardian, or custodian in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care of such child.”
MISSISSIPPI

CITATIONS


PURPOSE CLAUSE

Neglect—(Youth Court Act of 1940)

"This act shall be liberally construed . . . each child . . . shall receive such care, guidance and control, preferably in his own home, as will conduce to the child’s welfare and the best interest of the state, and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them."

Neglect—(Family Court Act of 1964)

"This act shall be liberally construed to the end that families whose unity or well-being is threatened shall be assisted and protected, . . . each child . . . shall receive, preferably in his own home, the care, guidance and control that will conduce to his welfare and the best interests of the state, and that when he is removed from the control of his parents, the court shall secure for his care as nearly as possible equivalent to that which they should have given him."

DEFINITIONS

Youth Court Act

"‘child’ . . . a person who is less than eighteen (18) years of age.”

"‘Neglected child’ means a child whose parent, guardian or custodian, or any person legally responsible for his care or support, neglects or refuses when able to do so, to provide for him proper or necessary care or support, or education as required by law, or medical, surgical or other care necessary for his well-being; or who is otherwise without proper care, custody and supervision or support; or who for any reason and as the result of the faults or habits of anyone lacks the special care made necessary for him by reason of his mental condition . . .; or who is found in a dis-
reputable place, or who associates with vagrant, vicious or immoral persons.'"

[7185-02(i)] "'Battered child' means a child who . . . has inflicted serious physical injury . . . upon him as a result of abuse or neglect.'"

Family Court Act
The same as Youth Court Act except no definition of "battered child."

**Neglect Hearing**

**Rights:**

Youth Court Act
[7185-08] "Any person interested in any case shall have the right to appear . . . and be represented by legal counsel of his own choosing and at his own expense."

[7185-24] Appeal to chancery court upon written notice within 10 days of entry of order and posting of bond of not less than one hundred dollars.

Family Court Act
[7187-08] "Any parent . . . having the legal custody of a child charged with a violation under the provisions of this act shall be entitled to a trial by jury if request . . . is made . . ."

[7187-25] Appeals may be made to the chancery court upon written notice given within 20 days of order or decree of the family court and the posting of a bond for costs. ($250.)

**Procedures:**

Youth Court Act
[7185-08] "... All cases heard separately from the trial of cases against adults, . . . and without jury; and the hearing shall be conducted in an informal manner under such rules as the court may prescribe, without regard to the technicalities of other statutory procedures and rules of evidence; . . . The general public shall be excluded from the hearing. . . ."

[7185-11] Transcript of proceedings to be kept.

[7185-14] May be heard before a referee, except no child shall be committed to any institution until order approved and signed by judge.

Family Court Act
[7187-08] "... All cases of children shall be heard separately from the trial of cases against adults, at any place that the judge deems suitable, and the hearing
shall be conducted in all cases of children in an informal manner under such rules as the court may prescribe, without regard to the technicalities of other statutory proceedings and rules of evidence. . . . The general public shall be excluded from the hearing . . .”

“The judge may appoint suitable persons, trained in the law, to act as referees . . . The judge may direct that any case shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court, but any party may, upon request, have a hearing before the judge in the first instance.

“At the conclusion of the hearing, the referee shall transmit . . . to the judge all papers . . . together with his findings and recommendations in writing. Written notice of the referee’s findings and recommendations shall be given to the parent, guardian, or custodian. . . . A hearing by the judge shall be allowed . . . for review, provided that the request is filed within three (3) days after the referee’s written notice. If a hearing de novo is not requested, the hearing shall be upon the same evidence heard by the referee provided that new evidence may be admitted in the discretion of the judge. If a hearing before the judge is not requested or the right to the review is waived, the findings and recommendations of the referee when confirmed by an order of the judge, shall become the decree of the court.”

Dispositions:

Youth Court Act

[7185-05] "... court may make an informal adjustment for the best interest of the child without a petition."

[7185-06] "... the court may arrange for the temporary detention of the child with any public or private institution or agency caring for children, or may request the State Department of Public Welfare to arrange for the care of said child."

[7185-09] "If the court finds that the child is neglected . . . it . . . may, . . .:
(1) place the child under supervision in his own home or in the care of a relative, under such terms as the court shall determine and direct;
(2) or place the child in a suitable family home,
Part IV: Digests of Neglect Laws

or commit him to the custody of a suitable private institution or agency . . .”

[7185-11] May cause any child to have a physical or mental examination.

[7185-10] May order parent to pay for support or treatment. Failure to do so may constitute contempt of court.

Family Court Act

[7187-06] “... the court may make an informal adjustment for the best interests of the child without a petition...”

[7187-09] “If the court finds that the child is neglected ... it may... (a) place the child under supervision in his own home or in the care of a relative, under such terms as the court shall determine and direct; (b) place the child in a suitable family home, or commit him to the custody of a suitable private institution or agency able and willing to receive him; ... the court may change the custody of said child. . . .”

[7187-11] “The court may cause any child coming within its jurisdiction to have a physical and mental examination made.”

[7187-10] May order parent to pay for support or treatment. Failure to do so when able may constitute contempt of court.

Length & Effect:

Youth Court Act

[7185-09] “In all cases, after the adjudication thereof, whenever it may appear for the best interest of said child . . . and after an investigation . . . has been made, and subject to such conditions and supervision as the court may order, the court may change the custody of said child, or may dismiss the petition, or may terminate its jurisdiction . . . Any institution or agency to which a child has been committed shall give to the court such information concerning such child as the court may at any time require, and may make recommendations to the court concerning each child.”

Family Court Act

[7187-09] The same as Youth Court Act.
Mississippi—continued

Records:  
[7185-09] Youth Court Act  
“. . . shall be made available to any office or agency of the State of Mississippi or any subdivision thereof upon the request of such agency or subdivision; . . .”  

Family Court Act  
[7187-21]  
Clerk of Court to report annually to state department of public welfare. Records to be kept, but no statutory provision regarding confidentiality, except that the names of children are not to be disclosed when records are used for statistical purposes.

Penalty for Neglect  
[7185-13] Youth Court Act  
“Any parent . . . who; willfully commits any act or omits the performance of any duty which act or omission contributes to . . . the neglect . . . of any child shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment not to exceed six (6) months in jail, or by both such fine and imprisonment.”

[7185-12]  
For contempt of any court order parent may be fined $500, jailed 90 days or both.

[7187-13]  
[7187-12]  
Same as under Youth Court Act

Reportable Under Child Abuse Law  
[7185-05] Yes—[§§ 7185-05; -13; last amended 1966.]  
“. . . having reasonable cause to suspect that a child brought to him or coming before him for examination, care or treatment is a battered child. . . .”  
(See Definitions - “battered child.”)

Nature of Report:  
Mandatory; non-accusatory; for under age of 18.

Immunity:  
“. . . shall be presumed to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.”

Waiver:  
Husband-wife and physician-patient.

Penalty:  
No.
### Central Registry:

No statutory provision; maintained as a matter of state administrative policy.

### Termination of Parental Rights

Grounds:

[1269-21]

"Whenever the parent or parents of a child have abandoned . . . such child, or are mentally, morally or otherwise unfit to rear and train such child. . . ."

Rights & Procedures:

[1269-22; 23-24]

Hearing and service of process provided for. Also discretionary appointment of guardian ad litem. "... if the court or chancellor is satisfied that the parent or parents have abandoned or deserted said child, or are mentally, morally, or otherwise unfit to rear and train said child, then the court may terminate all the parental rights of said parent or parents, including the right of inheritance, and the right of the child to inherit from such parent or parents. The termination of the parental rights of one (1) parent may be made without affecting the parental rights of the other parent . . ."

[1269-25]

If the rights of both parents or the right of the only living parent are terminated, "then said court shall place . . . child in the custody of some suitable person, agency or institution and such person, agency or institution shall have full power to enter a petition . . . consenting to . . . adoption, and no further notice shall be given in the adoption proceeding to such parent or parents."

[1269-26]

Appeals from such decrees to chancery court.

### Special Clauses

Neglect Section

#### Youth Court Act

**Spiritual healing exemption:**

"No child who in good faith is under treatment by spiritual means alone through prayer . . . shall, for this reason alone, be considered to be medically neglected under the provision of this act."

**Waiver of disability:**

"No decree or order of adjudication concerning any child shall recite any of the facts or circumstances upon which such adjudication is based, nor shall
it recite that a child has been found guilty; but it shall only recite that said child is found to be . . . a neglected child . . . No adjudication upon the status of any child shall operate to impose any of the civil disabilities ordinarily imposed by conviction of adults, nor shall any child be deemed a criminal by reason of such adjudication. . . . The disposition of a child or any evidence given in the court in any proceeding . . . shall not be admissible against the child in any case or proceeding in any other court. . . .”

Family Court Act

[7187-09] Waiver of disability:
Same as above, except additional clause of: “nor shall such disposition or evidence be held against the child’s record in any future school or college enrollment, nor operate to disqualify the child in any future civil service appointment or application.”

Termination Section
Guardian ad litem:

[1269-23] “The child shall be made a party defendant and summons had according to law, and the court or chancellor may at his discretion, appoint a guardian ad litem.”

(Note: The size of the county determines whether a youth court or a family court will be in existence. See section 7187-01.)
MISSOURI

CITATIONS


PURPOSE CLAUSE

[211.011; last amended 1957]

Neglect Section

"The purpose... is to facilitate the care, protection and discipline of children... shall be liberally construed... to the end that each child... shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the state and that when such child is removed from the control of his parents and court shall secure for him care as nearly as possible equivalent to that which should have been given him by them."

DEFINITIONS

[211.021]

" 'Child' means a person under seventeen years of age. No "neglected child" definition, but... juvenile court shall have jurisdiction:

[211.031; last amended 1957]

"(1) involving any child... alleged to be in need of care and treatment because:

(a) parents or other persons legally responsible for the care and support of the child neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his well-being; ....

(b) the child is otherwise without proper care, custody or support; ....

(c) the behavior, environment or associations of the child are injurious to his welfare ...."

NEGLECT HEARING

Rights:

[211.261]

"... An appeal shall be allowed to a parent from any final judgment, order or decree... which adversely affects him. Notice of appeal shall be filed within thirty days after the final judgment."

Procedures:

[211.171]

"The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he considers desirable...."
Missouri—continued

(2) the hearing may . . . proceed in the absence of the child . . .
(3) all cases of children shall be heard separately from the trial of cases against adults.
(4) stenographic notes or an authorized recording of the hearing shall be required if the court so orders or if requested by any party interested in the proceeding.
(5) the general public shall be excluded . . .
(6) rules of equity apply. . . .”

Proceedings shall be entered in a book.

Dispositions:
[211.101(3)]
A judge may order temporary detention of a child if it appears his welfare so requires.

“... The court may . . .
(1) place the child under supervision in his own home or in custody of a relative or other suitable person upon such conditions as the court may require;
(2) commit the child to the custody of:
   (a) a public agency or institution authorized by law to care for children . . . ;
   (b) any other institution or agency which is authorized or licensed by law to care for children . . . ;
   (c) an association, school or institution willing to receive it in another state . . . ;
(3) place the child in a family home;
(4) cause the child to be examined and treated by a physician, . . . cause the child to be placed in a public or private hospital. . . .”

“... The services of a state, county or municipally maintained hospital, . . . may be used for the purpose of examination and treatment.”

“. . . juvenile court . . . may . . . inquire into the ability of the parent of the child to support it or contribute to its support . . . If the court finds that the parent is able to support the child or contribute to its support, the court may enter an order requiring the parent to support the child or contribute to its support. . . .”

Length & Effect:
[211.041] Court may retain jurisdiction until child reaches 21 years.
Part IV: Digests of Neglect Laws

Records:

(1) "The proceedings of the juvenile court shall be entered in a book . . . These records . . . shall be open to inspection only by order of the court. . . ."

(3) "The court may . . . enter an order to destroy all social histories, records and information, other than the official court file . . . at any time after the child has reached his seventeenth birthday. . . ."

Reportable Under Child Abuse Law


". . . having reasonable cause to believe that a child under the age of seventeen years brought to him for examination, care or treatment has suffered injury or disability from physical abuse, or neglect . . . by other than accidental means . . . by a parent . . . shall promptly report. . . ."

Nature of Report:

Mandatory; accusatory if made by a hospital; for under the age of 17 years.

Immunity:

Any one participating in good faith in the making of a report . . . shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. . . .

Waivers:

Neither the physician-patient privilege nor husband-wife privilege shall be grounds for excluding evidence regarding a child's injuries. . . .

Penalty:

Any person violating any of the provisions . . . is guilty of a misdemeanor. . . .

Central Registry:

The state office shall . . . keep a cross-reference index or other system so that it may readily determine if the child involved has previously been involved in a case of injury or disability from physical abuse or neglect. . . .

Termination of Parental Rights

[214.441] Yes—[§§ 211.441-211.511; as enacted 1959.]

"The juvenile court may terminate all rights of parents to a child when it finds that such termination is in the best interests of the child and one or more of the following conditions are found to exist:
Missouri—continued

Rights & Procedures:

[211.461] May terminate only after a hearing before the juvenile court for which summons issued.

[211.471] "... prior to the hearing, the parent, guardian, or custodian shall be notified of their right to have counsel, and if they request counsel and are financially unable to employ counsel, counsel shall be appointed by the court...

[211.481] (1) "At any time prior to the hearing, a parent by written demand shall be granted a trial of the issues by a jury..."

Disposition:

[211.501] (1) "If... the court finds that one or more of the conditions set out in section 211.441 exist... it may terminate all rights of the parents...

(2) "... the court... may transfer... legal custody of the child to a suitable person, or the state division of welfare, or a licensed child welfare agency.

(3) "... if the conditions specified in section 211.441 are found to exist as to only one parent... the rights of only that parent may be terminated and the rights of the other parent shall not be effected."
Effect:
[211.511] "... conclusive and binding on all persons and in all persons and in all proceedings after one year from the date of its entry."

Special Clauses

Neglect Section

[211.031] Spiritual healing exemption:
"... except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect ..."

[211.221] Preference in placement:
"In placing a child ... the court shall whenever practicable select ... persons of the same religious faith as that of the parents. ..."

[211.271] Waiver of disability:
"No adjudication by the juvenile court upon the status of a child shall be deemed a conviction nor shall the adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction ... Evidence given in cases ... is not lawful or proper evidence against the child for any purpose whatever in a civil, criminal or other proceeding except in subsequent [neglect] cases under section 211.011 to 211.431. The disposition ... and the evidence ... does not operate to disqualify the child in any future civil or military service application or appointment."

[211.471] Termination section
Guardian ad litem:
"... when the parent is a minor and the natural guardian is neither present nor represented, the court shall appoint a guardian ad litem. The court may also appoint a guardian ad litem for the child."
MONTANA

CITATIONS


PURPOSE CLAUSE

[10-1300; as enacted 1974]

Neglect Section

“It is hereby declared to be the policy

(1) to ensure that all youth are afforded an adequate physical and emotional environment to promote normal development;

(2) to compel . . . the parent . . . of a youth to perform the moral and legal duty owed to the youth;

(3) to achieve these purposes in a family environment whenever possible; and

(4) to preserve the unity and welfare of the family whenever possible.”

DEFINITIONS

[10-1301; as enacted 1974]

“(1) ‘Child’ . . . means any person under eighteen (18) years of age.

(2) ‘Abuse’ or ‘neglect’ means:

(a) The commission or omission of any act or acts which materially affect the normal physical or emotional development of a youth, any excessive physical injury, sexual assault or failure to thrive, taking into account the age and medical history of the youth, shall be presumptive of “material affect” and non-accidental; or

(b) The commission or omission of any act or acts by any . . . parent, guardian or custodian who thereby and by reason of physical or mental incapacity or other cause, refuses, or with state and private aid and assistance is unable to discharge the duties and responsibilities for proper and necessary subsistence, education, medical or any other care necessary for his physical, moral and emotional well-being.

(3) ‘Dependent youth’ means a youth who is abandoned, dependent upon the public for support, and who is destitute or is without parents
or guardian . . . or who has no proper guidance to provide for his necessary physical, moral and emotional well-being . . . may be considered dependent and legal custody transferred to a licensed agency if the parent or parents voluntarily relinquish custody.

(4) 'Youth in need of care' means . . . dependent or is suffering from abuse or neglect within the meaning of this act.”

**NEGLECT HEARING**

**Rights:**

[10-1310(7)]

"Any person interested in any cause under this act shall have the right to appear."

[10-1310(5)]

"In the event service cannot be made upon the parents or parent, guardian or other person or agency having legal custody, the court shall appoint an attorney to represent the unavailable party where in the opinion of the court the interests of justice require."

[10-1310(12)]

Appointed counsel for any indigent party.

[10-1310(6)]

"Where a parent of a child is a minor notice shall be given to the minor parent's guardian and if there is no guardian the court shall appoint one."

**Procedures:**

[10-1310(1)]

"The county attorney shall be responsible for filing all petitions alleging . . . neglect and dependency. He may require all state, county and municipal agencies, including law enforcement agencies, to conduct such investigations and furnish such reports as may be necessary."

[10-1310(3)]

". . . The Rules of Civil Procedure shall apply except as herein modified. Proceedings under a petition shall not be a bar to criminal prosecution."

[10-1310(12)]

Court may appoint guardian ad litem for youth.

[10-1312]

". . . the court shall determine whether said youth is . . . neglected . . . and ascertain, as far as possible, the cause thereof.

(2) The court shall hear evidence regarding the residence of the child, whereabouts of the parents, guardian or nearest adult relative, the financial ability of any such . . . to pay the cost of care of the child, whether or how long the child has been
Montana—continued

maintained in whole or in part by public or private charity, and may take into consideration the report of the county welfare department filed with the clerk of the court. . .”

(3) In all civil and criminal proceedings relating to . . . neglect or dependency the doctor-patient privilege and husband-wife privilege shall not apply.

Dispositions:
[10-1311(e)]

The court may grant the following kinds of temporary relief and protective services:

“(i) right of entry by peace officer or state social and rehabilitation services worker;

(ii) medical and psychological evaluation of youth or parents, guardians, or person having legal custody;

(iii) require the youth, parents, guardians or persons having legal custody to receive counseling services;

(iv) place the youth in temporary medical facility for protection. . .;

(v) require the parents, guardian or other person having custody to furnish such services as the court may designate;

(vi) such other temporary disposition as may be required in the best interest of the youth.”

[10-1313] Court may order parent who is financially able to pay for child placed in a foster home.

[10-1314] “If a youth is found to be . . . neglected or dependent, the court may. . .

(a) permit the youth to remain with his parents . . . subject to those conditions and limitations as the court may prescribe;

(b) transfer legal custody to any of the following:

(i) department of social and rehabilitation services;

(ii) a child placing agency . . .

(iii) a relative or other individual who . . . is found by the court to be qualified to receive and care for the youth.

(c) order any party to the action to do what is necessary to give effect to the final disposition, including undertaking medical and psychological evaluations, treatment and counseling;
Part IV: Digests of Neglect Laws

(d) order such further care and treatment as the court may deem in the best interest of the youth.

(e) Any youth found to be . . . neglected or dependent may be committed to the Montana Children's Center. . . .

(f) The court may make such other disposition of the child as the court deems best for his social and physical welfare.

Length & Effect:
[10-1314(4);(5)]
Transfer of legal custody includes guardianship of child assets or estate. Court retains jurisdiction over the case and may later modify any order, except in cases where parental rights are permanently terminated.

Records:
[10-1308]
"... confidential unless the court determines that they should be released."

[10-1314(2)]
"Whenever the court vests legal custody in any agency, institution or department it shall transmit with the dispositional judgment copies of any medical report, and such other clinical predisposition or other reports and information as may be pertinent to the care and treatment of the youth."

Penalty for Neglect
[10-1322]
"(1) If the evidence indicates violation of the Criminal code, it shall be the responsibility of the county attorney to file appropriate charges against the alleged offender."

Reportable Under Child Abuse Law
[10-1304]
"... reason to believe that a child has had serious injury or injuries inflicted upon him or her as a result of abuse or neglect, or has been willfully neglected. . . ."

Nature of report:
Mandatory; accusatory; for child "under the age of majority."

Immunity:
From criminal and civil liability unless reported in bad faith or with malicious purpose. Every report presumed to be in good faith.
Montana—continued

Waivers: Physician-patient or similar privilege or rule against disclosure.

Penalty: No.

Central Registry: Yes.

The investigating social worker shall also furnish a written report to the department of social and rehabilitation services who shall have the responsibility of maintaining a central registry on child abuse or willful neglect cases.

Termination of Parental Rights

Grounds: No.

Rights & Procedures: Same as for Neglect Hearing. Termination is a possible disposition.

Disposition: Court may order department of social and rehabilitation services to take permanent custody, including the right to give consent to adoption.

[10-1315]

Effect: Court does not retain jurisdiction and may not subsequently modify the termination order.

[10-1314(5)]

Special Clauses

Neglect Section

Guardian ad litem:

"The court may at any time on its own motion, or on the motion of any party, appoint a guardian ad litem for the youth, or counsel for any indigent party."
NEBRASKA

CITATIONS


PURPOSE CLAUSE

[43-218; last amended 1968]

Civil—Neglect Section

"This act shall be liberally construed to the end that its purpose may be carried out . . . that the care, custody and discipline of a . . . neglected . . . child shall approximate, as nearly as may be, that which should be given by its parents . . . the child shall be placed in an approved family home and become a member of the family by legal adoption or otherwise."

DEFINITIONS

[43-201; last amended 1968]

Civil—Neglect Section

"Neglected child shall mean any child under the age of eighteen years
(a) who is abandoned by his parents, guardians or custodians;
(b) who lacks proper parental care by reason of the faults or habits of his parent, guardian or custodian;
(c) whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such child;
(d) whose parent, guardian or custodian neglects or refuses to provide special care made necessary by the mental condition of the child; or
(e) who . . . engaged in an occupation dangerous to life or limb or injurious to the health or morals of such child; . . . ."

[28-1501]

Criminal—Reporting Statute

"Abuse shall mean knowingly, intentionally, or negligently causing or permitting a minor child or an incompetent or disabled person to be: (a) placed in a situation that may endanger his life or health; (b) tortured, cruelly confined, or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; or (d) left unattended in a motor vehicle, if such minor child is six years of age or younger."
Nebraska—continued

Neglect Hearing
Rights
[43-205.06] Counsel for both the parent and the child, and if unable to afford counsel, counsel may be appointed for either.


Procedures:
[43-206.03] "Hearings shall be conducted by the judge without a jury in an informal manner applying the customary rules of evidence in use in civil trials . . . the court shall make a finding and adjudication entered in the minutes based on proof beyond a reasonable doubt, whether or not the minor is a person described by section 43-201.

[43-206(3)] The judge may appoint a guardian ad litem for a child.

[43-204.04] The juvenile court judge shall keep a minute book. . . ."

Dispositions:
[43-206.03] Shall dismiss if the court finds that the child is not within the provisions of section 43-201.

[43-208] When any child under eighteen is adjudicated neglected, "the court . . . may make an order committing the child to the (1) care of some suitable institution, (2) care of some reputable citizen of good moral character, (3) care of some association willing to receive it . . . or (5) care and custody of the Department of Public Welfare."

[43-210.02] May cause the child to be placed in a hospital for treatment or special care.

[43-210.03] May order a parent to pay reasonable sums to cover the support, study and treatment of a child.

[43-209] May terminate parental rights. (See Termination of Parental Rights.)

Length & Effect:
[43-209] If parental rights are terminated, the child becomes a ward and is subject to the guardianship of the department, association, or individual to whose care it is committed.

Jurisdiction until individual reaches twenty-one years of age.
Part IV: Digests of Neglect Laws

Records:
[43-204.04] No statutory provision that the minute book be confidential.

Penalty for Neglect
[28-477] "Any person who by any act, encourages, causes, or contributes to the . . . neglect . . . of a child under eighteen years of age . . . shall be deemed to be guilty of a misdemeanor." Five hundred dollar fine, six months in jail or both upon conviction.

Reportable Under Child Abuse Law
[28-1501] " . . . has reasonable cause to believe that a child of an incompetent or disabled person has been subjected to abuse, or observes such person being subjected to conditions or circumstances which reasonably would result in abuse. . . ."
(Note: See Definitions—neglect is included within meaning of abuse.)

Nature of Report: Mandatory; accusatory; for a minor child.

Immunity: From civil or criminal liability, except for maliciously false statements.

Waivers: Patient-Physician; Husband-Wife.

Penalty: A willful failure to report constitutes a misdemeanor punishable by a fine not to exceed one hundred dollars.

Central Registry: Yes—Department of Public Welfare shall keep.

Termination of Parental Rights
Yes—[§§ 43-209; -215; last amended 1967. A possible disposition at the Neglect Hearing.]

Grounds:
[43.209] "The court may terminate all parental rights between the parents or the mother of a child born out of wedlock and such child when the court finds such action to be in the best interests of the child and it appears by the evidence that one or more of the following conditions exist;
(1) the parents have abandoned the child for six months. . . ."
Nebraska—continued

(2) the parents have substantially and continuously or repeatedly neglected the child and refused to give the child the necessary parental care and protection;

(3) the parents, being financially able, have willfully neglected to provide the child with the necessary subsistence, education or other care when legal custody of the child is lodged with others and such payment ordered by the court;

(4) the parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs or repeated lewd and lascivious behavior. . .

(5) the parents are unable to discharge parental responsibilities because of mental illness or mental deficiency. . ."

Parents may consent to termination of parental rights.

Court shall appoint a guardian ad litem for any alleged incompetent parent, or for any party.

". . . An order terminating the parent-child relationship shall divest the parent and child of all legal rights, privileges, duties and obligations with respect to each other and the parents shall have no rights of inheritance with respect to such child."

Order is final and appealable in the same manner as other final judgments of a juvenile court.

Civil—Neglect Section

Guardian ad litem:

". . . the judge may appoint a suitable person guardian ad litem to act in behalf of the child . . ."

Preference in placement:

"The court in committing children . . . shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents . . ."

Waiver of disability:

"No adjudication by the juvenile court upon the status of a child will be deemed a conviction nor shall the adjudication operate to impose any . . .
civil disabilities . . . the adjudication and the evidence given . . . shall not . . . disqualify such child in any future civil or military service application or appointment.”

Criminal—Reporting Statute

Other:

“[28-1506] The Department of Public Welfare shall file each report . . . Such files shall be confidential and access to any specific case shall be limited to a county attorney, juvenile court or county or state Director of Public Welfare in this or other states, to be used by them only for purposes connected directly with the protection of any child or incompetent or disabled person. Statistical information . . . when not revealing names, may be released without limitation. Subject to such provision, the records shall be maintained in accordance with regulations adopted by the Director of Public Welfare.”

[28-1508] Other:

“Any person who . . . knowingly releases confidential information other than as provided by this act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed one hundred dollars.”

[43-209] Civil-Termination Section

Guardian ad litem:

“When termination . . . is sought . . . the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may . . . appoint a guardian ad litem . . . for any party . . .”
NEVADA

Citations


Purpose Clause

[62-290; last amended 1973]

Civil—Neglect Section

“This chapter shall be liberally construed to the that each child . . . shall receive such care, guidance and control, preferably in his own home, as will be conducive to the child’s welfare and the best interests of the state, and that when such child is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which should have been given by them. . . .”

[200.501; as enacted 1965]

Criminal—Reporting Statute

“It is the policy of this state to provide for the protection of children who have had physical injury inflicted upon them or who are physically neglected and who, in the absence of appropriate reports concerning their condition and circumstances, may be further threatened by the conduct or neglect of those responsible for their care and protection.”

Definitions

[62.020]

Civil—Neglect Section

“‘Child’ means a person less than 18 years of age.”

No statutory definition of “neglected child” but:

“. . . the court shall have jurisdiction in proceedings:

1. concerning any child living or found within the country:

(a) whose parent or other person legally responsible for the care and support of such child neglects or refuses, when able to do so, to provide proper or necessary support or education as required by law, or medical, surgical or other care necessary for his well-being; or who is abandoned by his parent or other custodian; or who is otherwise without proper care, custody or support.

(b) whose occupation, behavior, environment or associations are injurious to his welfare.”
Civil—Termination Chapter

"2. 'Abandonment of child' imports any conduct of one or both parents . . . which evinces a settled purpose . . . to forego all parental custody and relinquish all claims to the child, and a parent or parents . . . who shall leave the child in the care and custody of another without provision for his support and without communication for a period of 6 months shall be presumed to have intended to abandon the child."

"3. 'Neglected child' is any child who:

(a) lacks the proper and parental care by reason of the fault or habits of his parent, guardian or custodian.

(b) a child whose parent, guardian or custodian neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals or well-being.

(c) a child whose parent, guardian or custodian neglects or refuses to provide the special care made necessary by his physical or mental condition.

(d) a child who is found in a disreputable place, or who is permitted to associate with vagrants or vicious or immoral persons.

(e) a child who engages or is in a situation dangerous to life or limb, or injurious to health or morals of himself or others."

"4. 'Unfit parent' is any parent of a child who, by reasons of his fault or habit or conduct toward the child or other persons, fails to provide such child with proper care, guidance and support, or who knowingly permits such child to associate with vagrants, vicious or immoral persons, or to live in a disreputable place."

Neglect Hearing Rights:

"... any adult subject to the jurisdiction of the court has available to him all of the rights, remedies and writs guaranteed by the constitution and the laws of this state to a defendant who is
Nevada—continued

charged with having committed a criminal offense . . . “

A parent—must have notice of hearing at which may be represented by counsel and have the right to cross examine witnesses.

Appeals from any others of the court.

Procedures:

Provision for masters.

Judge may appoint an attorney to represent any child in any proceeding.

“In neglect cases, the parents . . . shall be informed of their right to be represented by counsel.”

“...Any proceeding under this chapter against a child shall be heard separately from the trial of cases against adults, and without jury. The hearing shall be conducted in an informal manner . . . Stenographic notes or other transcript of the hearing shall be required only if the court so orders. The general public shall be excluded. . . . “

“. . . the court shall . . . record its findings. . . . the parties or their counsel shall be afforded an opportunity . . . to cross examine individuals making reports. . . . If the court finds by preponderance of the evidence that the child is neglected . . . the court may proceed . . . to make proper disposition of the case.”

Dispositions:

If the allegations are not established, the court shall dismiss.

“If the court shall find that the child is within the purview of this chapter it shall so decree and may. . .

(a) place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court shall determine.

(b) commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children, or place him in a family home.

(c) order such medical, psychiatric, psychologic or other care and treatment as the court may deem to be for the best interests of the child. . . .
(d) order the parent, guardian, custodian or any other person to refrain from continuing the conduct or neglect which . . . has caused or tended to cause the child to come within or remain under the provision of this chapter.

(e) place the child, when he is not in school, under the supervision of a public organization to work on public projects."

**Dispositions:**

[62.240] May order examination by a physician or may order a parent to provide nursing, medical, surgical or other care.

**Length & Effect:**

[62.210] "At any time the court may modify, change, amend or terminate any decree or order previously made."

**Records:**

[62.195] "The court shall make and keep records of all cases . . . the records shall be open to inspection only by order of the court. . . ."

[62.275] All juvenile records, "shall be automatically sealed when the person reaches 24 years of age." One may petition for sealing at an earlier age.

**Penalty for Neglect**

Yes—Criminal Code—Reporting Statute

[200.508] "Any adult . . . who willfully causes or permits . . . injuries inflicted as the result of abuse or neglect . . . is guilty of a gross misdemeanor."

**Reportable Under Child Abuse Law**


[200.502] ". . . when there is reason to believe that a child . . . has had serious injury or injuries inflicted on him as a result of abuse or neglect . . ."

**Nature of report:**

Mandatory; non-accusatory; for under the age of 18.

**Immunity:**

From civil or criminal liability to all reporting in good faith.

**Waivers:**

All privileges against disclosure.

**Penalty:**

Any person who knowingly and willfully violates is guilty of a misdemeanor.
Nevada—continued

Central registry: No statutory provision. The Welfare Division of the Department of Health, Welfare and Rehabilitation maintains a registry as a matter of administrative policy.

Termination of Parental Rights Yes—[§§ 128.010-128.120; last amended 1973; a separate chapter.]

Grounds: [128.030; as enacted 1953] "A petition alleging that there is or resides within the county a child who has been abandoned by his parent or parents, or neglected by either parent, or is a child of an unfit parent or parents; and that such child should be declared free from the custody and control of his parent or parents; and praying that the district court deal with such person as provided in this chapter, may be filed. . . ."
(See DEFINITION section for statutory meaning of terms abandonment, neglected child and unfit parent.)

Rights & Procedures: [128.060] "After a petition has been filed, unless the party . . . shall voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof . . . shall be personally served with the notice . . ."

[128.090] Court shall require the petitioner to establish the facts "with due regard to the rights and claims of the parent or parents of such person and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of such minor person."

[128.100] ". . . the judge may appoint an attorney to act on behalf of such minor person, or on behalf of the petitioner."

Disposition: [128.110] ". . . if upon the hearing of the petition the court shall determine that the child is abandoned or neglected, or that his parent or parents are unfit, the court shall enter an order determining such facts and shall make temporary or final written order . . . terminating the parental rights of the
parent or parents with respect to such minor person . . . declaring such persons to be free from such custody or control, and placing those rights in some person or agency qualified by the laws of this state to provide services and care to children, or to receive any children for placement . . . “

**Length & Effect:**

[128.110-128.120]

If a temporary order is made, the court retains jurisdiction and upon notice, may hear further evidence and enter any other order which could have been made at the original hearing.

Any final order is conclusive and binding upon the persons declared to be free from the custody and control of his parent or parents and upon all others served with notice by publication or otherwise.

“ . . . After the making of such final order, the court shall have no power to set aside, change or modify the same; but nothing in this chapter shall be construed to impair the right to appeal. . . .”

**Special Clauses**

**Civil—Neglect Section**

*Preference in placement:*

“ . . . the court, whenever practicable, shall select . . . persons of the same religious faith as that of the parents of the child. . . .”

*Waiver of disability:*

“No adjudication by the court . . . shall operate to impose any civil disabilities ordinarily resulting from conviction . . . The disposition of a child or any evidence given . . . shall not operate to disqualify the child in any future civil service application or appointment; . . .”

**Criminal—Reporting Statute**

*Spiritual healing exemption:*

“Nothing contained in this section shall be construed to mean a child is abused or neglected, or that the health of a child is endangered for the sole reason his parent or guardian, in good faith, selects and depends upon non-medical remedial treatment for such child, which treatment is recognized and permitted under the laws of this state in lieu of medical treatment.”
NEW HAMPSHIRE

CITATIONS

PURPOSE CLAUSES
[169:26; last amended 1964] Neglect Section
"This chapter shall be liberally construed . . . the care, custody and disposition of the child shall approximate as nearly as may be that which should be given his parents, and that . . . the child shall be placed in an approved home and become a member of the family, by legal adoption . . ."

[169:37; last amended 1973] Reporting Statute
". . . to provide for the protection and welfare of neglected children and abused children who have had physical injury inflicted upon them and who may be further threatened by the conduct of those responsible for their care and protection. Any person who becomes aware of such cases shall report . . . thereby causing the social and protective services of the state to be brought to bear in an effort to protect the health and welfare of these children, prevent further neglect or abuse of these children and to strengthen the family life whenever possible."

[170-C:1; as enacted 1973] Termination Chapter
"The purpose of this chapter is to provide for the involuntary termination of the parent-child relationship by a judicial process which will safeguard the rights and interests of all parties concerned . . . wherever possible family life should be strengthened and preserved, and that the parent-child relationship is to be terminated only when the adoption of that child may be contemplated."

DEFINITIONS
[169:2; last amended 1964] "'neglected child,' any child who is abandoned by his parent, guardian or custodian, or who has not proper parental care or guardianship, or who habitually begs . . . or who is found in any disreputable place or who associates with vicious or disreputable persons or whose home, by reason of neglect, cruelty or depravity on the part of his parents is an unfit place for such child, or whose
Part IV: Digests of Neglect Laws

Parent ... neglects or fails to provide proper subsistence, education, medical or surgical care or other care necessary for his health, morals, or well-being, or who engaged in such an occupation ... as are or may prove injurious to his physical, mental or moral well-being."

"'child or juvenile,' any boy or girl under eighteen years."

**Neglect Hearing**

*Rights:*  [169:24]  
Appeal to the superior court within thirty days by any party having an interest.

*Procedures:*  [169:9]  
"... the court shall proceed to hear the case in an informal manner, but no final disposition shall be made until an investigation and report in writing has been made to the court of the home conditions, school record, and the mental, physical and social history of the child ... When ... deemed necessary ... such investigation shall include a physical and mental examination of the child ... ."

*Dispositions:*  [169:10]  
"When any child is found to be neglected, the court may make an order committing the child to the care of the director of the division of welfare, department of health and welfare, subject to be returned to the court for further disposition.

[169:7]  
"Pending final disposition ... the child may be retained in the custody of the person having the child in charge, or in the custody of the probation officer, or may be kept in some suitable place at the expense of the town, county or state, as may be ordered by the court ... Provided, however, that a neglected ... child shall not be placed in the custody of the probation officer but shall be placed in the custody of the director, division of welfare, department of health and welfare ... ."

[169:17A]  
"... the court ... may make any order ... for ... treatment or commitment to any public or private institution providing psychiatric treatment, including the New Hampshire Hospital, as the welfare of the child and society require ... ."
New Hampshire—continued

Length & Effect:
[169:1] “... Jurisdiction acquired by the court or the director of public welfare ... over a neglected child shall close when said ... child arrives at the age of eighteen ...”

Records:
[169:22] “The court records of proceedings ... shall be kept in books and files separate from all other court records ... Such records shall be withheld from indiscriminate public inspection but shall be open to inspection by the parent ...”

“An appeal may be taken to the superior court from any order or decision ... within thirty days by any party having an interest ...”

Penalty for Neglect
[169.13] “Any parent, guardian, or person having the custody or control of a child, who is responsible for the condition which results in a child being found neglected ... except in a case where said condition was caused by financial inability to provide necessary care for said child, shall be guilty of a misdemeanor. The court may release such person on probation, subject to such orders as it may make concerning future conduct, or it may suspend sentence, or before trial, with his consent, it may allow him to enter into a recognizance, in such penal sum as the court may fix, conditioned for the promotion of the future welfare of the child, and the said case may then be placed on file.”

Reportable Under Child Abuse Law
[169:37] “... having reason to suspect that a child ... has been neglected or abused ...”

Nature of report: Mandatory; non-accusatory; for under the age of 18.

Immunity: For anyone reporting in good faith, from any liability, civil or criminal.

Waivers: Physician-Patient; Husband-Wife.

Penalty: Anyone who knowingly violates any provision may be fined not less than $200 or more than $500.
Central Registry:
Division of welfare shall maintain registry. To be confidential and subject to rules and regulations established by the division.

Termination of Parental Rights
Yes—[§§ 170-C:1 through 170-C:15; a separate chapter enacted 1973.]

Grounds:
[170-C:5]
“The petition may be granted where the court finds that one or more of the following conditions exist:

I. The parent has abandoned the child . . .

II. That, although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education or other care necessary for his mental, emotional, or physical health or have substantially and continuously neglected to pay for such subsistence, education or other care when legal custody is lodged with others; . . .

III. The parents, subsequent to finding of neglect, have failed to correct the conditions leading to such finding despite reasonable efforts under the direction of the court to rectify the conditions upon which such finding was based.

IV. Because of mental deficiency or mental illness, the parent is and will continue to be incapable of giving the child proper parental care and protection for a longer period of time than would be wise or prudent to leave the child in an unstable or impermanent environment. Mental deficiency or mental illness shall be established by the testimony of either two licensed psychiatrists or psychologists or one of each acting together.”

Rights & Procedures:
[170-C:3]
The Probate Court has exclusive original jurisdiction.

[170-C:7]
“. . . the court shall set the time and place for a hearing and shall cause notice . . . to be given to the petitioner, the parents of the child, the guardian of the person of the child . . . any individual standing in loco parentis . . . and the guardian ad litem of any party. . . . .Notice shall be given by personal service. . . .”

[170-C:8]Guardian ad litem for the child and for the alleged incompetent parent.
New Hampshire—continued

[170-C:10] "... the parent shall be notified at the same time notice is given ... of his right to counsel, and if counsel is requested and the parent is financially unable to employ counsel, counsel shall be provided by the court ...")."


[170-C:9] Court shall direct that a social study be made by the division of welfare or any other authorized agency. Copies of the study shall be available to the parties' attorneys and the contents shall be treated in a confidential manner.

[170-C:10] "Cases ... shall be heard by the court sitting without a jury. The hearing may be conducted in an informal manner ... The general public ... shall be excluded ... The court's finding ... shall be based upon clear and convincing evidence ... When information contained in a report, study or examination is admitted in evidence, the person making such a report ... shall be subject to both direct and cross-examination ..."

[170-C:147] "... All papers and records ... subject to inspection only upon written consent for good cause shown."

[170-C:5(I)] Child presumed abandoned if left 6 months without communication from parent and without support or identification.

Dispositions:

[170-C:11] "... If the court finds grounds ... it shall terminate ... The court shall also make an order fixing responsibility for the child's support. The parent-child relationship may be terminated with respect to one parent without affecting the relationship between the child and the other parent. Where the court does not order termination ... it shall dismiss the petition, provided however, that where the court finds that the best interest of the child requires substitution or supplementation of parental care and supervision, it shall make an order awarding guardianship with the division of welfare or an authorized agency and fixing responsibility for temporary child support."

Effect:

[170-C:12] An order ... shall divest the parent and child of all legal rights, privileges, duties and obligations ...
The rights of inheritance of both the parent and the child shall not be divested until the adoption of said child."

**Special Clauses**

**Neglect Section**

**Preference in placement:**

"The court . . . shall as far as practicable place . . . in the care and custody of some individual holding the same religious belief as the parents of the said child, or with some association which is controlled by persons of life religious faith . . ."

**Waiver of disability:**

". . . No child shall be deemed a criminal by reason of an adjudication hereunder and such adjudication shall not be deemed a conviction."

**Reporting Section**

**Spiritual healing exemption:**

". . . no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under any provisions of this act."

**Termination Chapter**

**Guardian ad litem:**

"When termination of the parent-child relationship is sought . . . the court shall appoint a guardian ad litem for the alleged incompetent parent. The court shall appoint a guardian ad litem to represent the interests of the child in all termination hearings. The court may, in any other case, appoint a guardian ad litem, as may be deemed necessary or desirable, for any party."

**Spiritual healing exemption:**

". . . provided, however, it shall not be grounds for the termination of the parent-child relationship for the sole reason the parent of said child relies upon spiritual means through prayer in accordance with a recognized religious method of healing in lieu of medical treatment for the healing of said child."
NEW JERSEY

CITATIONS

PURPOSE CLAUSES

[30:4C-1; last amended 1951]
Neglect Section
(a) "that the preservation and strengthening of family life is a matter of public concern . . .
(b) that necessary welfare services to children should be strengthened and extended through the development of private and voluntary agencies qualified to provide such services . . .
(d) . . . welfare services . . . should be provided by this state until such time as they are made available by private and voluntary agencies."

[9:6-8.1; last amended 1964]
Reporting Statute directed to physicians
"It is the declared policy of this state:
(a) that protection should be afforded to children who have had physical injury inflicted upon them by parents . . .
(b) that full immunity from legal action should be granted to physicians and hospitals who act in a professional capacity in making reports of such injury in order that protection of children may be afforded in accordance with the laws of this state."

[9:6-8.8; last amended 1972]
Reporting Statute addressed to "any person"
"The purpose is to provide for the protection of children under 18 years of age who have had serious injury inflicted upon them by other than accidental means . . . to assure that the lives of innocent children are immediately safeguarded from further injury and possible death and that the legal rights of such children are fully protected."

DEFINITIONS

[9:6-1; last amended 1937]
Neglect Section
"Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child:
(a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home,

(b) failure to do or permit to be done any act necessary for the child's physical or moral well-being."

Reporting Statute

(a) "'Abused child' means a child under the age of 18 years who has been subjected to child abuse.

(b) 'Child abuse' means and shall include . . . abandonment, cruelty, and neglect, which acts result in serious physical or mental injury by other than accidental means.

Adult charged with offense may waive indictment and trial by jury and request an immediate hearing, without a jury to determine his guilt or innocence.

Hearing upon notice to the parents in the juvenile and domestic relations court.

Court shall cause an investigation to be made and written report to be filed.

". . . The provisions of this section shall be deemed to include an application on behalf of an unborn child when the prospective mother is within this State . . ."

Standard of "in the best interests of the child" to apply to all procedures.

". . . may commit . . . child to the care and custody of any duly authorized or incorporated humane society within this State . . . or make such other order . . . as in the opinion of the court, will be for the best interests of such child.

May order parent to pay for maintenance of committed child.
New Jersey—continued

[30:4C-12] Court may order the Bureau of Children's Services to investigate.

"... If after such investigation has been completed it appears that the child requires care and supervision by the Bureau . . . the bureau may apply . . . for an order making the child a ward of the court . . . The court . . . may issue an order as requested . . ."

Length & Effect:

[9:6-11] Commitment orders may at any time be modified, revoked or added to.

[916-12] May remand custody to parent at any subsequent time if satisfied parent has become a fit person.

[30:4C-12] Orders making child a ward of the court not effective beyond a period of 6 months from the date of entry.

Records:

No specific provision.

Penalty For Neglect

[9:6-3] "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 . . . shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding five hundred dollars ($500.00) or by imprisonment with or without hard labor . . . for a term not exceeding three (3) years, or both."

Reportable Under Child Abuse Law

Yes. [Dual provisions in §§ 9:6-8.1 through 9:6-8.7; last amended 1964 (for physicians) and §§ 9:6-8.8 through 9:6-8.15; last amended 1972 (for "any person").]

[9:6-8.3] "Any physician having reasonable cause to suspect that any child . . . has had serious physical injury or injuries inflicted upon him other than by accidental means by a parent . . ."

Nature of report:

Mandatory; accusatory; for under the age of 18.

Immunity:

Absolute. (See Purpose Clauses—Sec. 9:6-8.1 (b).)

Waivers:

None.
Part IV: Digests of Neglect Laws

Penalty: Any knowingly and willfully violation of provisions shall be a misdemeanor.

Central Registry: Yes. Kept by the Division of Youth and Family Services.

[9:6-10b] "... having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse..." (See Definitions for meaning of child abuse.)

REPORTABLE
Nature of report: Mandatory; non-accusatory; for under the age of 18.

Immunity: From any liability, civil or criminal, that might otherwise be incurred.

Waivers: None.

Penalty: Any person who knowingly violates the provisions having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

Central Registry: Division of Youth and Family Services shall keep.

Termination of Parental Rights
Yes. [Dual provisions. §§ 9:2-18 through 9:2-20; last amended 1955 and 30:4C-15 through 30:4C-24; last amended 1962.]

Grounds:
[9:2-19] "... If the court shall determine that a parent of the child is dead, or mentally incompetent, or has forsaken parental obligation, or has been divorced by the other parent on the grounds of adultery, desertion or extreme cruelty, the court may declare that such parent shall have no further right to custody of the child... If the court shall determine that... such guardian or custodian has willfully and continuously neglected or failed to discharge the responsibilities of such appointment, the court may declare that such custodian or guardian shall have no further control and authority over the person of the child."

(Note: Section 9:2-13(d) defines "forsaken parental obligation" as willful and continuous neglect or failure to perform the nature and regular obligations of care support of a child.)
New Jersey—continued

Procedure:
[9:2-18] An agency institutes an action seeking the termination of the parental rights and the transfer of the child to the agency.

[9:2-20] If the court entered a termination order and transfers custody to the plaintiff agency, the judgment does not effect the duties of the parents to support the child.

Termination

Grounds:
[30:4C-15] “Whenever . . . a conviction against the parent or parents . . . because of abuse, abandonment, neglect of or cruelty to such child; or it appears that the best interests of any child . . . require that he be placed under guardianship; or it appears that a parent or guardian of a child, following the acceptance of such child by the Bureau . . . or following the placement or commitment of such child in the care of an authorized agency . . . has failed substantially and continuously or repeatedly for a period of more than one year to maintain contact with the plan for the future of the child, although physically and financially able to do so, a petition . . . may be filed with the juvenile and domestic relations court . . .”

Procedures:
[30:4C-20] Service upon the parent; notice of the time and place of the hearing.

[30:4C-20] “If upon the completion of such hearing the court is satisfied that the best interests of such child require that he be placed under proper guardianship, such court shall make an order terminating parental rights and committing such child to the guardianship and control of the Bureau of Children’s Services . . .”

Special Clauses
[9:6-1.1] Neglect Section

Spiritual healing exemption:
“This article (title 9-11) . . . shall not be construed to deny the right of a parent . . . to treat or provide for an ill child in accordance with the religious tenets of any church as authorized by other statutes
of this state; provided, that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated."

[9:6-8.16] Reporting Statute

*Other:*

"Any physician examining or treating any child . . . Is empowered to take the child into protective custody when the child has suffered serious physical injury or injuries, and the most probable inference from the medical and factual information supplied, is that the said injury or injuries were inflicted upon the child by another person by other than accidental means, and the person suspected of inflicting, or permitting to be inflicted, the said injury . . . is a person into whose custody the child would normally be returned."

[30:4C-6] Termination Section

*Spiritual healing exemption:*

"The provisions of this chapter shall not be construed to deny treatment by spiritual means or prayer . . . in accordance with the religious faith of the parent or parents of such child."
NEW MEXICO

CITATIONS

14-14.2 (Supp. 1973)—

PURPOSE CLAUSE

[12-14-2; last amended 1972]

Children’s Code which includes both Neglect Section and Reporting Statute.

(A) . . . to preserve the unity of the family whenever possible and to provide the care, protection and wholesome mental and physical development of children . . .

(C) . . . to achieve the foregoing purposes in a family environment whenever possible, separating the child from his parents only when necessary for his welfare or in the interests of public safety;

(D) . . . to separate clearly in the judicial . . . processes . . . the neglected child, . . . and to provide appropriate and distinct dispositional options for treatment and rehabilitation of these children;

(E) . . . to provide judicial and other procedures through which the provisions of the Children’s Code are executed and enforced and in which the parties are assumed a fair hearing and their constitutional and other legal rights recognized and enforced.”

DEFINITIONS

[13-14-3; last amended 1973]

Neglect Section

“. . . ‘child’ means an individual who is less than (18) eighteen years old;

“. . . ‘neglected child’ means a child:

(1) who has been abandoned by his parents. . . .

(2) who is without proper parental care and control or subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents. . . .or their neglect or refusal, when able to do so, to provide them; . . .

(3) whose parents, guardian or custodian are unable to discharge their responsibilities to and for the child because of their incarceration, hospitalization or other physical or mental incapacity; . . .
Part IV: Digests of Neglect Laws

(4) who has been placed for care or adoption in violation of the law;
(5) whose parents . . . have intentionally or negligently:
   (a) placed the child in a situation that may endanger his life, or health, or
   (b) tortured, cruelly confined or punished him."

Neglect Hearing

Rights:
[13-14-25]  "In proceedings . . . alleging neglect the parents . . . shall be informed that they have the right to be represented by counsel . . . counsel shall be appointed if the person is unable to obtain counsel for financial reasons . . . the child may be represented by counsel at all stages of the proceedings. If counsel is not retained for the child, or if it does not appear that counsel will be retained, counsel shall be appointed for the child . . . a party is entitled to . . . cross-examine witnesses . . ."

Neglect Hearing

Procedures;
[13-14-28]  "Hearings . . . shall be conducted by the court separate from other proceedings . . . all hearings on petitions other than those alleging delinquency will be without a jury . . . The proceedings shall be recorded by stenographic notes . . . or other appropriate means . . . the general public shall be excluded from hearings . . . only the parties their counsel, witnesses and other persons requested by a party and approved by the court may be present . . . Accredited representatives of the news media shall be allowed to be present at closed hearings subject to the conditions that they refrain from divulging information that would identify any child involved in the proceedings. . . . If the court finds that it is in the best interest of the child, the child may be temporarily excluded from a neglect hearing. . . ."

Neglect Hearing

Provision for referees to hear detention cases.

Dispositions:
[13-14-28]  "If the court finds that the allegations . . . have not been established it shall dismiss the petition . . . If
the court finds on the basis of . . . clear and convincing evidence . . . that the child is neglected . . .”

[13-14-31]

“. . . the court may . . .

(1) permit the child to remain with his parents, guardian or custodian subject to those conditions and limitations the court may prescribe;

(2) place the child under protective supervision; or

(3) transfer legal custody of the child to:

(a) an agency responsible for the care of neglected children;

(b) a child-placing agency willing and able to assume responsibility for the education, care and maintenance of the child . . .

(c) a relative or other individual who . . . is found by the court to be qualified to receive and care for the child . . .”

[13-14-29(c)]

“The court . . . may order an examination by a physician . . . of a parent . . . who gives his consent and whose ability to care for or supervise a child is an issue before the court.”

[13-14-20]

Court may make temporary orders for protection.

Length & Effect:

[13-14-12]

Jurisdiction obtained by court continues until child becomes an adult or until terminated by court order.

[13-14-35]

“(A) A judgment vesting legal custody in an agency of a child shall remain in force for an indeterminate period not exceeding one (1) year from the date entered . . .

(B) A judgment vesting legal custody of a child in an individual shall remain in force for one (1) year from the date entered unless sooner terminated by court order.

(C) A judgment of probation or protective supervision shall remain in force for an indeterminate period not exceeding one (1) year from the date entered.”

Records:

[13-14-42(c)]

“All court records . . . shall be open to inspection only to those persons and agencies listed in subsection (A) . . . (judge, probation officers, agency
having custody of child, by order of the court, to persons having an interest in the case.)

Providing for sealing of records under certain conditions.

Penalty for Neglect

No.

Reportable Under Child Abuse Law

Yes—[§§ 13-14-14.1 to 13-14-14.2; last amended 1973.]

[13-14-14.1A]

"... having reason to believe that serious injury or injuries have been inflicted upon a child as a result of abuse, neglect or starvation. . . ."

Nature of report:

Mandatory; non-accusatory; for child under the age of 18.

Immunity:

From civil and criminal liability unless the person acted in bad faith or with malicious purpose. Every report is presumed to be in good faith.

Waivers:

Physician-patient; similar privilege or rule against disclosure.

Penalty:

"Any person failing . . . to report . . . shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five ($25) nor more than one hundred ($100) dollars."

Central Registry

No.

Termination of Parental Rights

Yes—[§§ 22-2-22 and 22-2-23; last amended 1973.]

Grounds:

[22-2-22; as enacted 1971]

"... parental rights . . . may be relinquished by a parent by a writing . . ."

[22-2-23; as amended 1973]

"... parental rights of parent . . . may be terminated by the court when:

(1) cause exists under any law, other than the Adoption Act—Section 22-2-20 to 22-2-35;

(2) the minor has been abandoned by the parent; or

(3) the minor is without proper parental care and control, or subsistence, education or other care or control necessary for his physical, mental or emotional health or morals, by reason of the mis-
conduct, faults or habits of the parent or the neglect or refusal of the parent, when able to do so, to provide them or by reason of physical or mental incapacity of the parent to provide necessary parental and other care for the minor . . .”

**Rights & Procedures:**

[22-2-23]

“. . . Notice of the . . . hearing . . . shall be given . . . to the parents of the minor, the custodian of the minor, any person appointed to represent any party and any other person the court orders . . . The court after hearing may grant or deny a judgment terminating parental rights.

**Effect:**

A judgment . . . terminating parental rights has the same effect as an adoption judgment has in terminating the parent-child relationship, including terminating parental rights, dispensing with the consent, and with any required notice of an adoption proceeding of a parent whose relationship is terminated by the judgment.”

**Special Clauses**

Neglect Section

*Guardian ad litem:*

“The court, at any stage of a proceeding . . . may appoint a guardian ad litem for a child who is a party if the child has no parent, guardian or custodian appearing on behalf of the child or if their interests conflict with those of the child. A party to the proceeding or an employee or representative of a party shall not be appointed as guardian ad litem.”

*Waiver of disability:*

“. . . A judgment . . . on a petition under the Children's Code [Section 13-14-1 to 13-14-45] shall not be deemed a conviction of crime, nor shall it impose any civil disabilities ordinarily resulting from conviction of a crime, nor shall it operate to disqualify the child in any civil service application or appointment. The disposition of a child, and any evidence given . . . shall not be admissible as evidence against the child in any case or proceeding in any other tribunal, whether before or after reaching majority, except in sentencing proceedings after conviction of a felony and then only for the purpose of a presentence study and report.”
NEW YORK

CITATIONS


PURPOSE CLAUSES

[1011; last amended 1970]

Neglect Section

"... to establish procedures to protect children from injury or mistreatment ... and to help safeguard their physical, emotional and mental well-being. It is designed to provide due process of law for determining when the state ... may intervene against the wishes of the parent on behalf of the child so that his needs are properly met."

Reporting Statute

"... It is the purpose of this title to encourage more complete reporting or suspected child abuse and maltreatment and to establish in each county of the state a child protective service capable of providing protection for the child or children from further abuse or maltreatment and rehabilitative services for the child or children and parents involved."

DEFINITIONS

[1012(f); last amended 1970]

Neglect Section

"'neglected child' means a child less than eighteen years of age whose physical, mental or emotional condition has been impaired ... as a result of the failure of his parent ... to exercise a minimum degree of care ... 

(a) in supplying the child with adequate food, clothing, shelter, education as required by law, medical, dental, optometrical, or surgical care, though financially able to do so ... 

(b) in providing the child with proper supervision or guardianship ... or who has been abandoned by his parents."

[412(2); last amended 1973]

Reporting Statute

"A 'maltreated child' includes a child under eight-
New York—continued

Termination Chapter

“A ‘permanently neglected child’ is a person under eighteen years of age who has been placed in the care of an agency . . . and whose parent or custodian has failed for a period of more than one year . . . to maintain contact with or plan for the future of the child, although physically and financially able to do so . . .”

Neglect Hearing

Rights:

[1043] Provisions for counsel and appointed counsel for the parent. Counsel for child and if the parent is not present, counsel, law guardian or guardian ad litem for the child.

[1112] “Appeal may be taken as of right from any order of disposition.”

Procedures:

[1043] “… The general public shall be excluded . . . proof of injuries sustained by the child . . . shall be prima facie evidence of . . . neglect . . .” S.1043 also makes provisions for both counsel and appointed counsel for the parent:

[1046 viii(b)] “… adjudication . . . must be based on a preponderance of the evidence . . .”

Dispositions:

[1022] “The trial court may enter an order directing temporary removal of a child from the place where he is residing . . . if . . . the child appears to suffer from . . . neglect . . . (or) removal is necessary to avoid imminent danger to the child’s life or health.”

[1027] “… if the court finds that removal is necessary to avoid imminent risk to the child’s life or health it shall remove the child . . . or place him in the custody of a suitable person . . . the court may authorize a physician or hospital to provide medical or surgical procedures . . .”

[1034] “A family court judge may order the child protective service of the . . . department of social services . . . to conduct a protective investigation . . .”
"If the facts sufficient to sustain the petition . . . are not established . . . or if the court determines that its aid is not required on the record before it . . . the court shall dismiss the petition."

"If the order of disposition releases the child to the custody of his parent . . . the court may place the person to whose custody the child is released under supervision of a child protective agency . . . or may enter an order under section ten hundred fifty-six, or both.

". . . the court may place the child in the custody of a relative or other suitable person, or of the commissioner of social services . . . or in an institution suitable for the placement of a child.

(b) Placements under this section may be for an initial period of eighteen months and the court . . . upon a hearing, make successive extensions for additional periods of one year each . . .

". . . an order may require any . . . person . . .

(c) to abstain from offensive conduct against the child . . .

(d) to give proper attention to the care of the home;

(e) to refrain from acts of commission or omission that tend to make the home not a proper place for the child . . ."

"(c) No placement may be made or continued under this section beyond the child's twentieth birthday without his consent and in no event past his twenty-first birthday."

Orders for supervision shall not be for more than eighteen months. The court may, upon hearing and for good cause shown, make successive extensions of up to one year each.

Court may stay execution or arrest, set aside, modify or vacate any order issued.

Records: Confidential.

Penalty for Neglect
Willful failure to comply with the terms of the court
New York—continued

ordered supervision or custody yields a maximum jail term of six months.

**Reportable Under**

**Child Abuse Law**

Yes.—[Social Services Law, §§ 411 through 428; last amended 1973.]

[412] “... having reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child...” (See Definitions—Sec. 412(2).)

**Nature of Report:**

Mandatory; non-accusatory; for under the age of 18 for “maltreated” child.

**Immunity:**

From any liability, civil or criminal. The good faith of any person required to report shall be presumed.

**Waivers:**

[415] “... Written reports from persons or officials required... to report shall be admissible in evidence in any proceeding relating to child abuse or maltreatment.”

**Penalty:**

Willful failure to report a class A misdemeanor. Further, anyone required to report but who fails to do so shall be civilly liable for damages proximately caused by such failure.

**Central Registry:**

Yes.

**Termination of Parental Rights**

Yes—[Family Court Act §§ 611-634; last amended 1973. A separate chapter.]

**Grounds:**

[614] “... permanent neglect (See Definitions)...

(a) the child is under eighteen years of age;

(b) ... has been placed in the care of an authorized agency...;

(c) the authorized agency has made diligent efforts to encourage and strengthen the parental relationship...;

(d) the parent or custodian, notwithstanding the agency's efforts, has failed for a period of more than one year following the placement or commitment of such child in the care of an authorized agency substantially and continuously or repeatedly to main-
tain contact with or plan for the future of the child although physically and financially able to do so; and
(e) the moral and temporal interests of the child require that the parents' or other custodian's custody of the child be terminated permanently."

Rights & Procedures:

[617-621] Personal service of summons and petition. Court shall advise parent of right to be represented by counsel and of the right to assigned counsel if financially unable to obtain counsel.

[622] At the "fact-finding hearing" the allegations must be sustained by a fair preponderance of the evidence.

[625] Reports prepared by the probation service or a duly authorized agency shall be deemed confidential. "... the court may, in its discretion, withhold from or disclose in whole or in part to the law guardian, counsel, party in interest or other appropriate person. Such reports may not be furnished to the court prior to the completion of a fact-finding hearing, but may be used in a dispositional hearing."

[631] "At the conclusion of dispositional hearing ... the court shall enter an order of disposition:
(a) dismissing the petition . . .
(b) suspending judgment in accord with section six hundred thirty-three, or
(c) permanently terminate custody of the parent . . ."

[632] Court shall dismiss the petition if the allegations are not established.

Effect:

[633(b)] "The maximum duration of a suspended judgment . . . is one year, unless the court finds at the conclusion of the period that exceptional circumstances require an extension . . . for an additional year."

[634] "If the court enters an order . . . permanently terminating custody, it may enter an order temporarily or permanently awarding custody of the child to
the petitioner on such conditions . . . as it deems proper.’’

SPECIAL CLAUSES

Neglect Section

Preference in placement:

In making orders of protection, the court shall so act as to insure that in the care, protection, discipline and guardianship of the child his religious faith shall be preserved and protected.”

Other:

“A peace officer or an agent for a duly incorporated society for the prevention of cruelty to children . . . may remove a child from the place where he is residing . . . without the consent of the parent . . . any person acting in good faith in the removal . . . shall have immunity . . .”
Part IV: Digests of Neglect Laws

NORTH CAROLINA

CITATIONS


PURPOSE CLAUSE

[7A-277; last amended 1973]

Neglect Section

"... to provide a simple judicial process to provide such protection, treatment, rehabilitation or correction as may be appropriate in relation to the needs of each child... and the best interest of the State... The intent... is to assure that, where possible, the court will arrange for the available community resources to be utilized to strengthen the child's family relationships in order to avoid removal of the child from his own home or community..."

[110-116; as enacted 1971]

Reporting Statute

"The General Assembly recognizes the growing problem of child abuse and neglect and that children do not always receive appropriate care and protection from their parents or other caretakers acting in loco parentis. The primary purpose... is to identify any children suspected to be neglected or abused and to assure that protective services will be made available to such children and their families as quickly as possible to the end that such children will be protected, that further abuse or neglect will be prevented, and to preserve the family life of the parties involved where possible by enhancing parental capacity for good child care."

DEFINITIONS

[7A-278; last amended 1969]

"'Child' is any person who has not reached his sixteenth birthday..."

"(4) 'Neglected child' is any child who does not receive proper care or supervision or discipline from his parent, guardian, custodian or other person acting as a parent, or who has been abandoned, or who is not provided necessary medical care or other remedial care recognized under State law, or who lives in an environment injurious to his
North Carolina—continued

welfare, or who has been placed for care or
adoption in violation of law.”

NEGLECT HEARING

Rights:
[7A-285] Written notice of the facts alleged in the petition;
counsel; to confront and cross-examine witnesses;
and the privilege against self-incrimination.


Procedures:
[7A-281] After evaluation by director of social services or
personnel available to the court, judge may adjust
without a formal hearing.

[7A-285] General public may be excluded; reporting of cases
shall be as provided for civil trials by section 7A-
198. Recording of the trial may be waived by
consent of parties.

“... the judge shall find the facts and shall pro-
tect the rights of the child and his parents in order
to assure due process of law ... the disposition part
of the hearing may be informal, and the court may
consider written reports or other evidence con-
cerning the needs of the child.

[7A-285] “In all cases, the court order shall be in writing and
shall contain appropriate findings of fact and
conclusions of law.”

[7A-286(7)] May appoint guardian of the person for a child.

Dispositions:
[7A-285] “... If the court finds that the conditions alleged
do not exist, or that the child is not in need of the
care, protection or discipline of the State, the
petition shall be dismissed.”

[7A-286] If the judge finds the child neglected, he “may
combine any two of the applicable alternatives ... in the best interest of the child:

(1) The judge may dismiss the case, or continue
... in order to allow the child, parents or others to
take appropriate action.

(2) In case of any child who needs more adequate
care or supervision, or who needs placement, the
court may:

(a) Require that the child be supervised in his
own home by the county department of
social services . . . or such other personnel as may be available to the court, subject to such conditions . . . as the court may specify; or
(b) Place the child in the custody of a parent, relative, private agency offering placement services, or some other suitable person; or
(c) Place the child in the custody of the county department of social services in the county of his residence. . . ."

Court may order parent to pay for support when custody is transferred.

May order that the child be examined by a physician, psychiatrist, psychologist or other professional person to determine the needs of the child and can order needed treatment if the parents do not arrange it.

"If it appears from a petition that a child is in danger, or subject to such serious neglect as may endanger his health or morals, or that the best interest of the child requires that the court assume immediate custody of the child prior to a hearing on the merits of the case, the judge may enter an order directing an officer or other authorized person to assume immediate custody of the child. . . ."

". . . jurisdiction of the court to modify any order of disposition. . . . shall continue during the minority of the child or until terminated by order of the court. . . .

"The court shall have a duty to give each child . . . such attention and supervision as will achieve the purposes of this Article. Upon motion, and after notice . . . the court may conduct a review hearing to determine whether the order of the court is in the best interest of the child, and the court may modify or vacate the order in light of changes in circumstances or the needs of the child."

Shall maintain a complete record of all juvenile cases which has been withheld from public inspection . . . "the child, his parents, guardian,
North Carolina—continued

custodian and attorney . . . shall have a right to examine the child's juvenile record. . . ."

Juvenile record may be divided into two parts, social and legal: "The social part . . . may include family background information or reports of social, medical, psychiatric, psychological or other information concerning a child or his family . . . which the judge finds should be protected from public inspection in the best interest of the child. The social "part of the juvenile record may be filed separate from other records of the court under rule of the Administrative Office of the Courts."

**Penalty for Neglect**

<table>
<thead>
<tr>
<th>Reportable Under Child Abuse Law</th>
<th>Yes—[§§ 110-115 through 110-112; last amended 1973.]. . . has reasonable cause to suspect that any child is an abused or neglected child. . . .”</th>
</tr>
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</table>

**Nature of Report:**

Mandatory; accusatory; for under the age of 16.

**Immunity:**

From any civil or criminal liability that might otherwise be incurred or imposed, unless person acted in bad faith or with malicious purpose.

**Waivers:**

Physician-patient; Husband-wife.

**Penalty:**

No.

**Central Registry:**

"The State Department of Human Resources shall maintain. . . . This data shall be . . . confidential, subject to policies adopted by the Social Services Commission which provide for its appropriate use for study and research, but in no event shall any data be used at any hearing or court proceeding unless based upon a final judgment of a court of law."

**Termination of Parental Rights**

Yes—[§ 7A-288; as enacted 1969.]

**Grounds:**

If the court has adjudicated a child to be neglected or dependent, "the court shall have authority to enter an order which terminates the parental rights..."
with respect to such child if the court finds any one of the following:

(1) That the parent has abandoned the child for six consecutive months prior to the special hearing in which termination of parental rights is considered . . .

(2) That a child born out of wedlock is living under such conditions that the health or general welfare of the child is endangered by the living conditions and environment . . .

(3) That the parent has willfully failed to contribute adequate financial support to a child placed in the custody of an agency or child care institution, or living in a foster home or with a relative, for a period of six months; or

(4) That the parent has so physically abused or seriously neglected the child that it would be in the best interest of the child that he not be returned to such parent.”

**Rights & Procedures:** Special hearing shall be conducted; Parent notified by personal service.

**Disposition:** “Before entering an order of termination. . . .the court shall consider all available facts and social information. . . .to evaluate whether the parent may reestablish a suitable home for the child, for the policy of law is to preserve natural family ties where possible in the best interest of the child. . . .

“the court shall place the child by written order in the custody of the county department of social services or a licensed child placing agency. . . .such county department . . . or . . . agency shall further have the authority to consent to the adoption of the child, to its marriage, to its enlistment in the armed forces . . . and to surgical and other medical treatment of the child.”

**Effect:** Order is appealable within 10 days.

Order terminates all rights and obligations of the parent to the child and of the child to the parent, arising out of the parent-child relationship. Thereafter parent not entitled to notice of adoption proceedings.
Neglect Section

Guardian ad litem:
"In any case where there is no parent to appear in a hearing . . . or where the court finds it would be in the best interest of the child, the court may appoint a guardian of the person for the child, who "shall operate under the supervision of the court with or without bond, and who shall file only such reports as the court shall require. Such guardian of the person shall have the care, custody and control of the child or may arrange a suitable placement for the child, and may represent the child in legal actions before any court . . . The authority of the guardian of the person shall continue for whatever period of time the court shall designate during the minority of the child."

Waiver of disability:
"Any adjudication or disposition of a juvenile hearing shall not have the effect of forfeiting any of the child's citizenship rights."

Other:
"Any physician or administrator of a hospital, clinic or other similar medical facility to which an abused child is brought for medical treatment or diagnosis shall have the right to retain temporary physical custody of such child where the physician who examines the child certifies in writing that the child should remain for medical reasons or that in his opinion it may be unsafe for the child to return to his parents . . ."
NORTH DAKOTA

CITATIONS


PURPOSE CLAUSE

[27-20-01; last amended 1969]

Neglect Section

“To provide for the care, protection, and wholesome, moral, mental and physical development of children. . . .

(3) To achieve the foregoing purposes in a family environment whenever possible separating the child from his parents only when necessary for his welfare, or in the best interest of public safety;

(4) To provide a simple judicial procedure . . . in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced . . .”

DEFINITIONS

[27-20-02; last amended 1973]

“‘Child’ means an individual . . . under the age of 18 years. . . .


(a) without proper parental care and control, subsistence, education as required by law or other care or control necessary for his physical, mental or emotional health . . . not due primarily to the lack of financial means of his parents, guardian, or other custodian. . . .

(b) has been placed for care or adoption in violation of the law;

(c) has been abandoned by his parents. . . .”

NEGLECT HEARING

Rights:

[27-20-26]

“. . . representation by legal counsel at all stages of any proceedings under this chapter . . . if as a needy person he is unable to employ counsel. . . . court provide counsel for him.

Guardian ad litem for child.

[27-20-27]

“A party is entitled to the opportunity to introduce evidence and . . . to cross-examine adverse witnesses.”
North Dakota—continued

Procedures:
[27-20-07] Provision for referees.
[27-20-24] "Hearings . . . shall be conducted by the court without a jury, in an informal but orderly manner, and separately from other proceedings . . . proceedings shall be recorded by stenographic notes . . . . Except in hearings to declare a person in contempt of court, the general public shall be excluded . . . . Only the parties their counsel, witnesses and other persons accompanying a party for his assistance . . . may be admitted by the court. The court may temporarily exclude the child from the hearing. . . ."

[27-20-30(3)] "If the court finds from clear and convincing evidence that the child is deprived . . . the court shall proceed . . . to make a proper disposition of the case."

[27-20-28(2)] "During the dependency of any proceeding the court may order the child to be examined at a suitable place by a physician or psychologist and may also order medical or surgical treatment of a child . . . even if the parent . . . informs the court of his refusal to consent to the treatment."

Dispositions:
[27-20-29] Court shall dismiss if finds child not deprived.
[27-20-30] "... the court may make any of the following orders best suited to the protection and physical, mental and moral welfare of the child:

(a) permit the child to remain with his parents, guardian or other custodian, subject to conditions . . . as directed by the court. . . .

(b) Subject to conditions and limitations as the court prescribes, transfer temporary legal custody to . . . :

(1) any individual who . . . is found by the court to be qualified to receive and care for the child;

(2) an agency or other private organization licensed, or otherwise authorized by law to receive and provide care for the child;

(3) the director of the county welfare board or other public agency. . .

(4) an individual in another state. . . ."
Court may terminate the parental rights of a parent.  
(See Termination of Parental Rights.)

"An order terminating parental rights is without limit as to duration. . . .

Any other order of disposition continues in force for not more than two years. The court may sooner terminate its order or extend its duration for further periods. An order of extension may be made if:

(a) A hearing is held prior to the expiration of the order upon motion of a party or on the court’s own motion;

(b) Reasonable notice of the hearing and opportunity to be heard are given to the parties affected;

(c) The court finds that the extension is necessary to accomplish the purposes of the order extended; and

(d) The extension does not exceed two years. . . ."

Files and records shall not be disclosed to the public and “are open to inspection only by:

1. The judge, officers and professional staff of the court;
2. The parties to the proceeding and their counsel. . . ;
3. With leave of the court any other person or agency or institution having a legitimate interest in the proceeding. . . ."

Penalty for Neglect

No.

Reportable under Child Abuse Law

Yes—[§§ 50-25-01 through 50-25-05; as enacted 1965.]

“. . . having reasonable cause to believe that a child. . . . has suffered serious injury or physical neglect not explained by the available medical history as being accidental in nature. . . ."

Nature of report:

Mandatory; non-accusatory; for under 18 years.

Immunity:

Any person reporting in good faith immune from any civil or criminal liability.


North Dakota—continued


Penalty: No.

Central Registry: No. Administrative policy—maintained by Department of Social Services.

Termination of Parental Rights

Yes—[§§ 27-20-44 through 27-20-46; last amended 1969.] A possible disposition at the neglect hearing.

Grounds:

[27-20-44]

"The court by order may terminate the parental rights of a parent . . . if:
(a) The parent has abandoned the child;
(b) The child is a deprived child . . . ;
(c) The written consent of the parent is given . . . ."

Rights and Procedures: Same as for Neglect Hearing.

Effect:
[27-20-46]

"An order terminating parental rights or a parent, terminates all his rights and obligations with respect to the child . . . The parent is not thereafter entitled to notice of proceedings for the adoption of the child . . . nor has he any right to object to the adoption. . . ."

Special Clauses

Neglect Section

Guardian ad litem:

"The court at any stage of a proceeding . . . on application of a party or on its own motion, shall appoint a guardian ad litem for a child who is a party to the proceeding if he has no parent, guardian or custodian appearing on his behalf or their interests conflict with his or in any other case in which the interests of the child require a guardian."

Waiver of disability:

"An order of disposition or other adjudication . . . is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment. . . ."
Part IV: Digests of Neglect Laws

OHIO

CITATIONS


PURPOSE CLAUSE

[2151.01; last amended 1969]

Neglect Section

"The sections in Chapter 2151 . . . shall be liberally construed . . . to provide for the care, protection, and mental and physical development of children. . . .

To achieve the foregoing purposes, whenever possible, in a family environment, separating the child from its parents only when necessary for his welfare or in the interests of public safety; to provide judicial procedures through which . . . the parties are assured of a fair hearing, . . . and their constitutional and other legal rights are recognized and enforced."

DEFINITIONS

[2151.011; 2151.03; last amended 1969]

" 'Child' means a person who is under the age of eighteen years.

'Neglected child' includes any child:

(A) who is abandoned by his parents . . .

(B) who lacks proper parental care . . .

(C) whose parents . . . neglects or refuses to provide him with proper or necessary subsistence, education, medical or surgical care . . .

(D) whose parents . . . neglects or refuses to provide the special care made necessary by his mental condition;

(E) whose parents . . . have placed or attempted to place such child in violation of sections 5103.16 and 5103.17 (refers to regulations for adoption). . . ."

[2151.04]

" 'Dependent child' includes any child:

(A) who is homeless or destitute or without proper care or support, through no fault of his parents, guardian, or custodian;

(B) who lacks proper care or support by reason of the mental or physical condition of his parents, guardian, or custodian;

(C) whose condition or environment is such as to
Ohio—continued

warrant the state, in the interests of the child, in assuming his guardianship."

[2151]  
"Child without proper parental care . . . whose home is filthy and unsanitary, whose parents, step-parents, guardian, or custodian permit him to become dependent, neglected, or delinquent, whose parents . . . when able, refuse or neglect to provide him with necessary care, support, medical attention, . . ."

NEGLECT HEARING

Rights:

[2151.281]  
Guardian ad litem for child and parent in some instances.

[2151.352]  
"A child, his parents . . . entitled to representation by a legal counsel at all stages of the proceedings and if . . . unable to employ counsel, to have the court provide counsel for him."

[2151.47]  
Adult may demand a trial by jury.

[2151.52]  
". . . in prosecutions of adults . . . an appeal may be taken . . under laws governing appeals in other criminal cases. . . ."

[2151.18]  
Parents, either in person or by counsel, may inspect court records.

Procedures:

[2151.16]  
Provision for referees to hear cases and certify findings to the judge.

[2151.35]  
"The juvenile court may conduct its hearings in an informal manner . . . the general public may be excluded . . . All cases involving children shall be heard separately and apart from the trial of cases against adults. The court may excuse the attendance of the child at the hearing in cases involving neglected or deprived children. The court finds from clear and convincing evidence that the child is . . . neglected . . . the court shall proceed to hear the evidence . . . If the court does not so find, it shall order the complaint dismissed."

Transcript provided upon request only. Record of all cases kept by court.
Dispositions:

[2151.353] “If the child is adjudged a neglected child . . . the court may . . .
(A) Permit the child to remain with the parents . . . subject to such conditions and limitations as the court prescribes;
(B) Commit the child to the temporary custody of the department of public welfare . . .
(C) Commit the child to the temporary custody of any institution or agency in this state . . .
(D) Commit the child permanently to the county department of welfare . . .”

[2151.359] “. . . the court may make any order restraining or otherwise controlling the conduct of any parent . . . if the court finds that such an order is necessary to:
(A) Control any conduct or relationship that will be detrimental or harmful to the child:
(B) Where such conduct or relationship will tend to defeat the execution of the order of disposition made or to be made.”

[2151.36] “. . . the juvenile court may make an examination regarding the income of the parents . . . and may then order that such parent . . . pay for the care, maintenance, and education of such child and for expenses involved in providing orthopedic, medical or surgical treatment, or special care of such child . . .”

[2151.53] “Any person . . . may be subjected to a physical and mental examination by competent physicians, psychologists, and psychiatrists to be appointed by the juvenile court . . .”

Length & Effect:

[2151.38] “. . . commitments shall continue for such period as designated by the court . . . or until terminated or modified by the court, or until a child attains the age of twenty-one . . .”

[2151.01] “‘Permanent custody’ means a legal status created by the court which vests in the county department of welfare which has assumed the administration of the child . . . and divests the natural parents . . . of any and all parental rights . . .”
(Note: This divestment of parental rights has the same effect as “termination of parental rights.”)
Ohio—continued

Records: No specific provisions.

Penalty For Neglect

No specific provisions.

[2151.42] Neglect of the care, support, maintenance, or education of a child by one charged with the care or abandonment of the child is proscribed. "Each day of such . . . neglect . . . shall constitute a separate offense."

[2151.99] For violation of section 2151.42 a fine not more than $500 or imprisoned not more than one year or both.

Reportable Under Child Abuse Law

Yes—[§§ 2151.421; last amended 1969.]

Nature of report: Mandatory; non-accusatory; for less than eighteen years of age or any crippled or otherwise physically or mentally handicapped child under twenty-one years of age.

Immunity: From any civil or criminal liability that might otherwise be incurred.


Penalty: No.

Central Registry: "The county welfare department or children service board shall report each case to a central registry which the state welfare department shall maintain in order to determine whether prior reports have been made in other countries concerning the child or other principals in the case. . . ."

Termination of Parental Rights

Yes—[§§ 2151.01; 2151.353(D); last amended 1969.]

See Definitions—"neglected child"

Grounds:

[2151.01]

Procedures:

[2151.353(D)]

"Commit the child permanently to the county department of welfare . . . Upon such commitment the natural or adoptive parents are divested of all legal rights and obligations due from them to the
child or from the child to them. No order of permanent custody shall be made at the hearing (Neglect) . . . except and unless the complaint alleging the neglect . . . contains a prayer requesting such permanent custody and. . . .”

Effect:
“a full explanation that the granting of such an order permanently divests them of their parental rights.”

Special Clauses

Neglect Section

Guardian ad litem:
“The court shall appoint a guardian ad litem to protect the interest of the child in any proceeding concerning an alleged or adjudicated . . . neglected . . . child when:
(A) The child has no parent. . . .
(B) The court finds that there is a conflict of interest between the child and his parent. . . .”
. . . where the parent appears to be mentally incompetent or is under 18, the court shall appoint a guardian ad litem to protect the interest of such parent.

Spiritual healing exemption:
“A child who in lieu of medical or surgical care is under spiritual treatment through prayer . . . is not a neglected child. . . .”

Waiver of disability:
“The judgment . . . under this chapter shall not impose any of the civil disabilities ordinarily imposed by conviction of a crime . . . . The disposition of a child . . . or any evidence given in court is not admissible as evidence against the child in any other case or proceeding in any other court except that the judgment rendered and the disposition . . . may be considered by any court only as to the matter of sentence or the granting of probation. Such disposition or evidence shall not operate to disqualify a child in any future civil service examination, appointment, or application.”

Reporting Statute
Spiritual healing exemption:
“Nothing in this section shall be construed to
define as a physically neglected child, any child who is under spiritual treatment through prayer in accordance with the tenets and practice or a well-recognized religion in lieu of medical treatment, and no report shall be required as to such child."
OKLAHOMA

CITATIONS


PURPOSE CLAUSE

[10-1129; last amended 1968] Civil—Neglect Section

“This section shall be liberally construed, that the care and custody and discipline of the child shall approximate, as nearly as possible, that which should be given by its parents. . . .”

[21-8451; as enacted 1965] Criminal—Reporting Statute

“It is the policy of this state to provide for the protection of children who have had physical injury inflicted upon them. . . .”

DEFINITIONS

[10-1101; last amended 1972] “The term ‘child’ means any person under the age of eighteen (18) years.

“The term ‘dependent or neglected child’ means a child who is for any reason destitute, homeless or abandoned, or who is dependent upon the public for support; or who has not had the proper parental care or guardianship; or whose home by reason of neglect, cruelty, or depravity on the part of his parents . . . is an unfit place for such child; or who is in need of special care and treatment because of his physical or mental condition, and his parent . . . is unable to provide it; or whose parent . . . for good cause desires to be relieved of his custody. . . .”

NEGLECT HEARING

Rights:

[10-1110] “In hearings . . . the child . . . or any person interested in such child, shall have the right to demand a trial by jury. . . .”

[10-1123(a)] “Any interested party aggrieved by any order or decree may appeal. . . .”

Procedures:

[10-1126] Provision made for referees.

[10-1111] “All cases of children shall be heard separately from the trial of cases against adults. The hearings
shall be conducted in an informal manner, according to the rules of evidence... The hearings shall be private unless specifically ordered by the judge to be conducted in public... Stenographic notes... shall be kept as in other cases, but they shall not be open to public inspection except by order of the court... the child must have the opportunity for cross-examination."

**Dispositions:**

[10-1113]  
"If the court finds that the allegations... are not supported by evidence, the court shall order the petition dismissed..."

[10-1114]  
"If the court finds that the allegations are supported by the evidence, and that it is in the best interest of the child and the public that he be made a ward of the court, the court shall sustain the petition..."

[10-1116]  
The court may:
- place the child under supervision in his own home, or in the custody of a suitable person, elsewhere, upon such conditions as the court shall determine;
- issue a written order specifying conduct to be followed by parent(s) with respect to the child;
- commit the child to the custody of a private institution or agency authorized to care for the child;
- commit the child to the custody of the Department..."
- not terminate the rights of a parent who has not been notified that the parental rights might be terminated.

[10-1120]  
"The court may cause any child... to be examined by a physician... Whenever a child... appears to be in need of nursing, medical or surgical care, the court may order the parent... to provide such care in a hospital..."

[10-1121]  
The court may order natural parents to pay for the care and maintenance of a child committed to a public or private agency.
**Length & Effect:**

[10-1102] Court retains jurisdiction until the child becomes twenty-one (21) years of age.

[10-1116] Orders governing the conduct of parents remain in effect for not more than one (1) year but may be extended or renewed by the court. Any order committing the child to the Department is for an indeterminate period of time.

**Records:**

[10-1125] Shall remain confidential.

**Penalty For Neglect**

Yes—[Criminal Code, tit. 21, §§ 845-848; last amended 1972.]

"... having reason to believe that a child ... has had physical injury or injuries inflicted upon him or her by other than accidental means where the injury appears to have been caused as a result of physical abuse or neglect. . . ."

**Nature of report:** Mandatory; accusatory; for under the age of 18.

**Immunity:** From civil or criminal liability if reporting in good faith.

**Waivers:** Physician-patient; similar privilege or rule against disclosure.

**Penalty:**

[21-846] "... it shall be a misdemeanor for any person to knowingly and willfully fail to promptly report. . . ."

**Central Registry**

Child Welfare Division of the Department of Institutions, shall maintain a permanent central registry (Social and Rehabilitative Services)

**Termination of Parental Rights**

Yes—[tit. 10, §§ 1130-1134; enacted 1968.]

"... a court may terminate the rights of a parent to a child in the following situations:

(a) Upon written consent of the parents. . . .
(b) A finding that the parent . . . has abandoned it (the child) for one (1) year;
(c) A finding that the parent . . . has failed to give the child the parental care or protection
necessary for his physical or mental health . . . or, although financially able, has willfully neglected to provide the child with the necessary support or education, or is an unfit parent by reason of debauchery intoxication or habitual use of narcotic drugs, or repeated lewd or lascivious behavior . . . and the parent has failed to show that the conditions have been corrected within a period of six (6) months after the child . . . as . . . adjudged . . . neglected . . .; (d) A finding that a parent, having been ordered to contribute to the support of the child, has willfully failed to contribute during the preceding year. However, nothing . . . shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary . . . to protect his health or welfare. . . ."

Rights & Procedures:
[10-1131] "A parent shall be given actual notice of any hearing to terminate his parental rights . . . a father . . . of an illegitimate child who has not . . . provided parental financial support and care . . . shall not be deemed to have parental rights . . . shall not be entitled to notice . . . or to participate in such hearing."

Effect:
[10-1132] "The termination of parental rights terminates the parent-child relationship including the parents rights to custody of the child . . . provided, that nothing herein shall in any way affect the right of the child to inherit from the parent. . . ."

[10-1133] "After parental rights have been terminated, a court may award custody of the child to any qualified person or agency. . . ."

[10-1145] "Whenever parental rights . . . have been terminated and the child is committed to the Department of Public Welfare, the Director of Public Welfare shall serve as the legal guardian of the estate of the child. . . ."

[10-1103(c)] "In the event of adoption and from the time physical possession of children are surrendered by the natural parents no order of termination of
parental rights may be challenged on any ground either by a direct or collateral attack more than three (3) months after its rendition. . . .”

**Civil—Neglect Section**

**Special Clauses**

[10-1101(d)]

**Spiritual healing exemption:**

“... no child who, in good faith, is being provided with treatment and care by spiritual means alone . . . for that reason alone . . . be considered to be a . . . neglected child . . .”

[10-1119]

**Preference in placement:**

“In placing a child in the custody of an individual or a private agency . . . the court shall, if possible, select a person of . . . the same religious faith as that of the parents of the child . . . However, it shall be left to the discretion of the judge to place children where their total needs will best be served.”

[10-1127(b)]

**Waiver of disability:**

“No adjudication by the court upon the status of a child shall operate to impose any of the civil disabilities ordinarily resulting from conviction, nor shall a child be deemed a criminal by reason of such adjudication. . . .”

[21-846]

**Criminal—Report Status**

**Spiritual healing exemption:**

“No provision of this section shall be construed to mean that a child has been abused or neglected because said child’s parent, guardian or custodian in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care of such child.”

[10-1130(d)]

**Civil—Termination Section**

**Spiritual healing exemption:**

“Nothing in this act shall be construed to authorize any court to terminate the rights of a parent to a child solely because the parent, in good faith, provides for his child, in lieu of medical treatment, treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination.”
OREGON

CITATIONS


PURPOSE CLAUSE

[419.474; last amended 1959]

Civil—Neglect Section

"The provisions . . . shall be liberally construed to the end that a child coming within the jurisdiction of the court may receive such care, guidance and control, preferably in his own home, as will lead to the child’s welfare and the best interests of the public, and that when a child is removed from the control of his parents the court may secure for him care that best meets the needs of the child."

[418.745; last amended 1971]

Civil—Reporting Statute

". . . for the purpose of facilitating the use of protective social services to prevent further abuse and to safeguard and enhance the welfare of abused children, it is necessary and in the public interest to require mandatory reports and investigations of abuse of children."

DEFINITIONS

[419.476; last amended 1971]

Civil—Neglect Section

No statutory definition of "neglected child," but "The juvenile court has exclusive original jurisdiction in any case involving a person who; is under 18 years of age . . . who (se) . . . parents . . . have abandoned him, failed to provide him with the support or education required by law, subjected him to cruelty or depravity or to unexplained physical injury or failed to provide him with care, guidance and protection necessary for his physical, mental or emotional well-being."

[418.740; last amended 1973]

Civil—Reporting Statute

"'Child' means an unmarried person who is under 15 years of age.

'Abuse' means . . .

(b) Neglect, including malnutrition, which leads to physical harm. . . ."
Part IV: Digests of Neglect Laws

Neglect Hearing

Rights:

[419.498] Counsel; appointed counsel for child, his parent or guardian upon request.

[419.561] "Any person whose right or duties are adversely affected by a final order of the juvenile court may appeal. . . ."

[419.563] Court may appoint counsel for purposes of an appeal, if the parent is financially unable to afford counsel.

Procedures:

[419.498] "The hearing shall be held informally by the court without a jury. Unless the child or his parents otherwise request, the general public shall be excluded . . . The court may appoint an attorney to represent the child in any case. . . . Stenographic notes or other report of the hearings shall be taken only when required by the court. . . ."

[419.581] Provision for referees to hear cases.

[419.494] Court may appoint some suitable person to appear in a child's behalf.

Dispositions:

[419.507] "A child . . . may be made a ward of the court . . . when the court determines it would be in the best interest and welfare of the court, the court may:

- place the child . . . under protective supervision . . . in the legal custody of his parents or other person with whom he is living or may direct that the child be placed in the legal custody of some relative or some person maintaining a foster home approved by the court . . . The court may specify particular requirements to be observed . . .

- place the child in the legal custody of the Children's Services Division for care, placement and supervision. The Division may place the child in a child care center authorized to accept the child.

- court shall make no commitment directly to any residential facility of the Children's Services Division. . . ."

[419.511] Court may order child examined or treated by a physician or to receive special care or treatment in a hospital or some other suitable facility.
Oregon—continued

[419.569] Court may make temporary custody orders.

Length & Effect:
[419.511] “The duration of any disposition . . . shall be for an indefinite period . . . The period of any disposition shall not extend beyond the date on which the child becomes 21 years of age.”

[419.527] Orders are modifiable or may be set aside at any time.

Records:
[419.567(s)] “Reports and other material relating to the child’s history . . . are privileged . . . shall not be disclosed.”

Yes—[§§ 418.740-418.775; last amended 1973.]

REPORTABLE UNDER CHILD ABUSE LAW
[418.750] “. . . having reasonable cause to believe that any child with whom he comes in contact in his official capacity has suffered abuse. . . .”

Nature of report: Mandatory; accusatory; for under the age of 15.

Immunity:
No—But reporters are covered by Section 146.760 relating to injuries received through violence, that states: “Anyone participating in good faith . . . and who has reasonable grounds for making thereof shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of such report . . . the same immunity with respect to participation in any judicial proceeding resulting from such report.”


Penalty: No.

Central Registry: Shall be established and maintained by the Children’s Service Division.

Determination of Parental Rights
Yes—[§§ 419.523 through 419.527; last amended 1973.]

Grounds:
[419.523; last amended 1973] “(1) The parental rights of the parents of a child . . . may be terminated . . . The rights of one parent may be terminated.
(2) . . . If the court finds that the parent or
parents are unfit by reason of conduct or condition seriously detrimental to the child . . . In determining such conduct and condition, the court shall consider but is not limited to the following:

(a) Emotional illness, mental illness or mental deficiency of the parent . . .

(b) Conduct toward any child of an abusive, cruel or sexual nature.

(c) Physical neglect of the child.

(3) . . . If the court finds that the parent or parents have failed or neglected without reasonable and lawful cause to provide for the basic physical and psychological needs of the child for one year prior to the filing of a petition . . .

(4) . . . If the court finds that the parent or parents have abandoned the child or the child was left under circumstances such that the liability of the parent or parents of the child was unknown . . .”

Rights & Procedures

[419.525] “A hearing shall be held . . . 10 days after service or final publication of the summons. The facts . . . must be established by a preponderance of competent evidence and a stenographic or other report . . . shall be taken of the hearing.”

[419.527] “After the entry of an order terminating the rights of the parent or parents . . . the court may:
- Place the child in the legal custody and guardianship of a public or private institution or agency . . .
- Make any order directing disposition of the child which it is empowered to make under ORS 419.472 to 419.587.”

Effect:

[419.525] “. . . Unless there is an appeal from the order terminating the rights of the parent or parents, the order permanently terminates all rights of the parent or parents . . .”

[419.529(4)] “No order pursuant to ORS 419.527(1)(a) may be set aside or modified during the pendency of a proceeding for the adoption of a child.”

Special Clauses

Neglect Section

[419.500] Spiritual healing exemption:
“The practice of a parent who chooses for himself
Oregon—continued

or his child treatment by prayer of spiritual means alone shall not be construed as a failure to provide physical care . . .”

[419.543]  

Waiver of disability:

“An adjudication by a juvenile court that a child is within its jurisdiction is not a conviction of crime or offense.”

Reporting Statute

Spiritual healing exemption:

“... A child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious domination by a duly accredited practitioner thereof shall, for that reason alone, not be considered a neglected child. . . .”

[418.740(B)]

Other:

“Notwithstanding the provisions of ORS chapter 192, relating to confidentiality and accessibility for public inspection of public records and public documents, reports and records, compiled under the provisions of ORS 418.750 to 418.765 are confidential and are not accessible for public inspection . . . However, the Children’s Services Division shall make records available to any law enforcement agency of this state or any other state for purposes of subsequent investigation of child abuse, and to any physician, at his request, regarding any child brought to him or coming before him for examination, cure or treatment.”
PENNSYLVANIA

CITATION

PURPOSE CLAUSE
[50-101; as enacted 1972]
Neglect Section
“... To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this act; ... 
(3) to achieve the foregoing purposes in a family environment whenever possible for his welfare or in the interests of public safety;
(4) to provide means through which the provisions of this act are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.”

[2101; as enacted 1967]
Reporting Statute.
“The General Assembly intends that the reports required ... shall result in protective services being made available on behalf of children about whom reports are made, in an effort to prevent further neglect or injury, to enhance their welfare and to preserve their family life whenever possible.”

DEFINITIONS
[50-102; as enacted 1972]
“'Child' means an individual ... under the age of eighteen years . . .”
“'Deprived child' means a child who:
(i) is without a proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health, or morals; or
(ii) has been placed for care or adoption in violation of law; or
(iii) has been abandoned by his parents, guardian, or other custodian; or
(iv) is without a parent, guardian, or legal custodian; or
(v) while subject to compulsory school attendance is habitually and without justification truant from school.”
Pennsylvania—continued

NEGLECT HEARING

Rights:

[50-301] Parties are entitled to have matter heard by the judge. Entitled to prompt written notice and copies of findings and recommendations made by master.

[50-317] "... a party is entitled to representation by legal counsel at all stages of any proceedings ... and if ... without financial resources or otherwise unable to employ counsel, to have the court provide counsel ... the parent, guardian, or custodian may not waive counsel for a child when their interest may be in conflict with the interest or interests of the child ..."

[50-318] "... a party is entitled to the opportunity to introduce evidence and otherwise be heard ... and to cross-examine witnesses."

Procedures:

[50-301] Provide for appointment of masters on a full-time or part-time basis to hear cases in the first instance. Master submits written findings and recommendations for disposition to the judge. Unless judge orders a rehearing, these become the orders of the court.

[50-304] Provision for informal adjustment before a petition is filed. Probation officer or other officer of the court or agency may give counsel and advice for a three month period.

[50-316] "(a) Hearings ... conducted by the court without a jury, in an informal but orderly manner, and separate from the proceedings. ...

(b) The district attorney, upon request of the court, shall present the evidence in support of the petition and otherwise conduct the proceedings on behalf of the State.

(c) If requested by the party or ordered by the court the proceedings shall be recorded by appropriate means. If not so recorded, full minutes ... shall be kept by the court.

(d) ... the general public shall be excluded from ... The court may temporarily exclude the child from the hearing."

[50-319(b)] "During the pendency of any proceeding the court may order the child to be examined at a suitable
place by a physician or psychologist and may also order medical or surgical treatment of a child who is suffering from a serious physical condition or illness . . . even if the parent . . . has not been given notice of a hearing, is not available, or without good cause informs the court of his refusal to consent to the treatment."

"(a) . . . If the court finds that the child is not a deprived child . . . it shall dismiss the petition . . ."

"(c) If the court finds from clear and convincing evidence that the child is deprived, the court shall proceed immediately or at a postponed hearing to make a proper disposition of the case."

**Dispositions:**

If court finds a child deprived, it may make any of the following orders "best suited to the protection and physical, mental and moral welfare of the child:

1. permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, . . .
2. subject to conditions and limitations the court prescribes transfer temporary legal custody to any of the following:
   1. any individual in or outside Pennsylvania who, . . . is found by the court to be qualified to receive and care for the child;
   2. an agency or other private organization
   3. a public agency authorized by law to receive and provide care for the child."

May order parent to pay for cost of care and support of a child committed to the legal custody of a public or private agency.

**Records:**

"All records of the court . . . are open to inspection only by:

1. The judge, officers and professional staff of the court.
2. The parties . . . and their counsel . . .
3. A public or private agency providing supervision or having custody of the child. . . .
Pennsylvania—continued

(5) With leave of court, any other person or agency . . .”

<table>
<thead>
<tr>
<th>Penalty for Neglect</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reportable Under Child Abuse Law</td>
<td>Yes—[Tit. 11, §§ 2101 - 2110; last amended 1970.]</td>
</tr>
<tr>
<td>[2103]</td>
<td>“. . . examination of . . . observation of a child . . . discloses evidence of gross physical neglect or injury not explained by the available medical history as being accidental in nature, or suffering from any wound or other injury inflicted by his own act or by the act of another by means of a knife, gun, pistol or other deadly weapon . . .”</td>
</tr>
<tr>
<td>Nature of report:</td>
<td>Mandatory; non-accusatory; for under 18 years.</td>
</tr>
<tr>
<td>Immunity:</td>
<td>Any person making report immune from any liability, civil or criminal.</td>
</tr>
<tr>
<td>Penalty:</td>
<td>Violation of any provisions of act constitute a summary offense punishable by a fine not exceeding $300 and in default thereof, imprisonment not exceeding 90 days.</td>
</tr>
<tr>
<td>Central Registry:</td>
<td>“Each county public child welfare agency shall maintain and keep up-to-date a register of all cases reported to it . . . including the final disposition thereof. Each county public child welfare agency shall transmit a copy of each such report to the Department of Public Welfare which shall maintain and keep . . . a statewide central register . . .”</td>
</tr>
</tbody>
</table>

Termination of Parental Rights

No.

Special Clauses [50-3241]

Neglect Section

Waiver of disability:

“(a) An order of disposition or other adjudication . . . is not a conviction . . . and does not impose any civil disability ordinarily resulting from a conviction or operate to
disqualify the child in any civil service application or appointment.

(b) The disposition of a child . . . may not be used against him in any proceeding in any court other than at a subsequent juvenile hearing, whether before or after reaching majority, except

(i) in dispositional proceedings after conviction of a felony for the purposes of a presentence investigation and report or

(ii) if relevant, where he has put his reputation or character in issue in a civil proceeding."
RHODE ISLAND

Citations


Purpose Clause

[14-1-2; as reenacted 1969]

Civil—Neglect Section

“The purpose of this chapter is to secure for each child under its jurisdiction such care, guidance and control, preferably in his own home, as will serve the child’s welfare and the best interests of the state; to conserve and strengthen the child’s family ties wherever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when such child is removed from his own family, to secure for his custody, care and discipline as nearly as possible equivalent to that which should have been given him by his parents.”

[14-1-62]

“This chapter shall be liberally construed to accomplish the purposes herein sought.”

Definitions

[14-1-3; as reenacted 1969]

Civil—Neglect Section

“. . . ‘child’ shall mean a person under eighteen (18) years of age. . . .”

“The terms ‘dependent and/or neglected’ . . . shall mean and include any child who is homeless or destitute or abandoned or dependent upon the public for support, or who has not the parental care or guardianship or who habitually begs . . . or whose home . . . is an unfit place for such child, or any child under eight (8) years of age found peddling in the streets or any child found engaging in an occupation dangerous to life, or limb or injurious to the health. . . .”

[15-7-8; last amended 1970]

Civil—Termination Section

“A ‘permanently neglected child’ is a person under eighteen (18) years of age who has been placed in
Part IV: Digests of Neglect Laws

Neglect Hearing:
Rights:

[14-1-31] “Prior to the commencement of any hearing, the justice shall advise the parent or guardian . . . that if he is financially unable to engage counsel, he is entitled to the services of the public defender.”

[14-1-47] Adult charged with an offense, right to trial by jury unless expressly waived in open court.

[14-1-52] Appeals from any final decree, judgment order, decision or verdict of the family court.

Procedures:

[14-1-61] “The court shall have power to adopt rules of procedure for the conduct of the court, not inconsistent with the provisions of this chapter.”

[14-1-58] “. . . the public defender shall, at the direction of the court appear in criminal cases on behalf of defendants who are found by the court to be financially unable to engage counsel.”

[14-1-30] “In the hearing of any case the general public shall be excluded; only an attorney, or attorneys selected by the parents or guardian of a child to represent such child, may attend. . . . All cases involving children shall be heard separately and apart from the trial of cases against adults.”

Dispositions:

[14-1-32] “If the court shall find that a child is . . . neglected . . . it may . . . :
- place the child on probation or under supervision in his own home or in the custody of a relative or other suitable person, or in the custody of any of the agencies, societies or institutions under the
control of or approved by the department of social and rehabilitative services, upon such terms as the court shall determine.”

[14-1-37] “... may make such further disposition as it may deem to be for the best interests of the child...”

[14-1-43] Court may order parent or guardian to pay for child’s support.

[14-1-51] May order the parent, guardian, or other custodian to provide treatment for child in a hospital or otherwise.

Court may cause child to be examined by licensed physician.

[14-1-45] “... in cases against adults... Upon trial... the court shall have power to impose such sentence as the law provides, suspend sentence, place on probation, revoke or continue suspension, or by order impose upon such adult such duty as shall be deemed for the best interests of the child...”

[14-1-34] Court may modify or revoke a decree made in behalf of a child.

[14-1-42] “An order of commitment made by the court in the case of a child shall be subject to modification or revocation...”

[14-1-44] Support orders regarded as “a judgment for debt.”

Records: No provision.

Penalty For Neglect
[14-1-8] The court that hears neglect cases given exclusive original jurisdiction over all cases of adults charged with desertion, abandonment, neglect of children.

[11-9-5] “Every person having the custody or control of any child... who shall abandon such child... or who by reason of neglect... shall render the home of such child a place in which it is unfit for such child to live, or who shall neglect or refuse to pay the reasonable charges for the support of such child... shall be guilty of a misdemeanor and shall for every such offense be imprisoned not exceeding one (1) year or be fined not exceeding two hundred and fifty dollars ($250) or... both...”
Part IV: Digests of Neglect Laws

Reportable Under Child Abuse Law

No.
Only abuse reportable.

Termination of Parental Rights

Yes—[§§ 15-7-6 through 15-7-21; last amended 1970.]

Grounds:
[15-7-7; last amended 1970]

"If either parent be under guardianship, or imprisoned at any adult correctional institution under a sentence for a term of not less than three (3) years, or has willfully deserted for one (1) year or has neglected to provide proper care and maintenance for the child for one (1) year . . . where financially able to do so, or if the child is permanently neglected as defined herein, or if the parent is mentally incompetent . . . the court shall proceed as if such parent were dead . . ."
(See DEFINITION section for meaning of term 'permanently neglected."

Rights & Procedures:
[15-7-6]

Family court must hear petition for the termination of the rights of the natural parents to consent to its adoption prior to the hearing on the petition for adoption.

[15-7-19]

Same right of appeal as provided in Section 14-1-52.

[15-7-21]

"A parent who has not had notice before the hearing upon a petition for the adoption of his child or termination of his rights of consent may at any time within one (1) year . . . apply to the superior court to reverse said decree; said court after due notice may at its discretion reverse the same if it appears that any of the material allegations in the petition were not true."

Special Clauses

Neglect Section

Preference in placement:

"In placing a child under the guardianship or custody of a private agency, society, or institution the court shall select an agency, society or institution governed by persons of like religious faith as that of the parents of such child . . ."
Rhode Island—continued

[14-1-40]  
Waiver of disability:
"No adjudication upon the status of any child . . . shall operate to impose any of the civil liabilities ordinarily resulting from a conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction . . . The disposition of . . . the court shall not . . . disqualify a child in any future civil service application, examination or appointment."

[15-7-7]  
Termination Section  
Guardian ad litem:  
". . . may appoint some suitable person to sit in the proceedings as next friend of the child and to give or withhold the consent as foresaid. . . ."
**SOUTH CAROLINA**

**Citations**


**Purpose Clause**

[15-1095.1; last amended 1968]

Neglect Section

"... chapter shall be liberally construed to the end that families whose unity or well-being is threatened shall be assisted and protected, and restored if possible ... and that each child coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance and control that will conduce to his welfare and the best interest of the State, and that when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which should have been given him."

**Definitions**

[15-1095.2; last amended 1968]

No statutory definition of "neglected child" but:

"... the court shall have exclusive original jurisdiction...

(1) concerning any child ...

(a) who is neglected as to proper or necessary support or education ... or as to medical, psychiatric, psychological or other care necessary to his well-being, or who is abandoned by his parent. ... 

(b) whose occupation ... or associations are such as to injure or endanger his welfare ..."

[15-1095.9; last amended 1965]

"'Child' means a person under twenty-one years of age."

**Neglect Hearing**

**Rights:**

[15.1095.14] "... The child or his parent or guardian shall also..."
be advised . . . of their right to be represented by counsel and that, if they are unable to employ counsel, counsel will be appointed to represent them . . . the parent and child . . . shall be specifically required to consider whether they do or do not waive the right of counsel."

[15.1095.42] Right of appeal to the Supreme Court of the state.

Procedures:

[15.1095.19] "All cases of children shall be dealt with as separate hearings by the court and without a jury. The hearings shall be conducted in an informal manner . . . Stenographic notes or other transcript of the hearings shall be required only if the court so orders. The general public shall be excluded and only such persons admitted as the judge shall find to have a direct interest in the case. The presence of the child in the court may be waived by the court at any stage of the proceedings. . . ."

Dispositions:

[15-1095.14] ". . . the court may make such informal adjustment as is practicable. . . ."

[150-1095.20] "When a child is found . . . to come within the provisions of Section 15-1095.9 (See Definitions) the court shall . . .

(a) Place the child on probation or under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine.

(b) Commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children . . . Such commitment shall be for an indeterminate period, but in no event shall continue beyond the child's twenty-first birthday.

(c) Cause any child . . . to be examined or treated by a physician . . . and for such purpose may place the child in a hospital or other suitable facility.

(d) Order such other care and treatment as the court may deem best . . .

(e) Dismiss the petition. . . ."
Part IV: Dirests of Neglect Laws

[15.1095.24] The court may require persons legally chargeable with the support of a child and with means of ability to earn such means to pay a fair and reasonable sum for such support.

“... make an order necessary to carry out and enforce the provisions of this chapter. ...

Length & Effect:
[15-1095.9(B)] “Whenever the court shall have acquired ... jurisdiction ... (it) shall continue so long as, in the judgment of the court, it may be necessary to retain jurisdiction ... but jurisdiction shall terminate when such child shall attain the age of twenty-one years.”

[15-1095.24] “(4) ... all orders for support run until further order of the court, except that orders for support ... shall run until the child is twenty-one years of age, or until the child is sooner married or becomes self-supporting ...”

Orders may be modified or vacated by the court. ...

Records:
[15-1095.40] “The court shall make and keep records of all cases ... The court's official records shall be open to inspection only by consent of the judge to persons having a legitimate interest therein.”

Penalty for Neglect
No.

Reportable Under Child Abuse Law
Yes—[§§ 20-310 to 20-310.5; last amended 1972.]

“... having reasonable cause to believe that a child ... has been subjected to physical abuse or neglect ...”

Nature of report: Mandatory; non-accusatory; for under the age of 17.

Immunity: From criminal and civil liability if reported in good faith.

Waivers: Doctor-patient; husband-wife.
South Carolina—continued

Penalty: Violation of reporting article deemed a misdemeanor, punishable by a fine not to exceed five hundred dollars or imprisonment for not more than six months, or both.

Central Registry: County department of public welfare shall maintain.

Termination of Parental Rights: Yes—[§ 15-1095.36; last amended 1968.]

Grounds: None.

Procedures:

[15-1095.36] "The court shall have all the power and authority and jurisdiction by law vested in the circuit courts of the State in actions for termination of parental rights, whether such action is in connection with an action for adoption or apart therefrom." (See Special Clauses—Reporting: upon clear and convincing evidence may terminate parental rights.)

Special Clauses:

Neglect Section

[15-1095.21] Preference in placement:

"In placing the child . . . the court shall . . . select a person or agency or institution governed by persons of the same religious faith as that of the parents of such child. . . ."

[15-1095.20] Waiver of disability:

"No adjudication by the court of the status of any child shall be deemed a conviction nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction. . . The disposition made of a child, or any evidence given in court, shall not operate to disqualify the child in any future civil service application or appointment."

[20-310.2] Reporting Statute

Other:

". . . the sheriff . . . with reasonable cause to believe that the child is in danger if left with the parents, shall . . . petition the court for a temporary order assuring proper care and treatment of
the child, and such order may provide for
remanding temporary legal custody to the court
and physical custody to the county department of
welfare.

. . . the court, if it determines by clear and
convincing evidence that the child will suffer if
returned to the home, shall issue such order as is
necessary for the protection of the child which may
include an extension of the temporary order or
complete termination of parental rights. . . .”
SOUTH DAKOTA

CITATIONS

PURPOSE CLAUSE
[26-8-2; recompiled 1967]
Neglect Section
"... liberally construed in favor of the state for the purpose of the protection of the child from neglect or omission of parental duty toward the child by its parents, as well as, to protect the children of the state from the effects of the improper conduct, acts, or the bad example of any person or persons whomsoever, which may be calculated to cause, encourage, or contribute to the dependency or delinquency of children, although such persons are in no way related to the child."

DEFINITIONS
"'child' means a person less than eighteen years of age. . . ."

[26-8-1; last amended 1968]
"'neglected or dependent child' means a child whose parents . . . has abandoned him . . . who lacks proper parental care . . . whose environment is injurious to his welfare; whose parent . . . fails or refuses to provide . . . necessary subsistence, education, medical care or any other care necessary for his health, guidance or well-being . . . or who is homeless, without proper parental care. . . ."
"'termination of parental rights' means the permanent elimination by court order of all parental rights and duties, including residual parental rights and responsibilities."

NEGLECT HEARING
Rights:
[26-8-22.1]
"... the child, his parents . . . shall be fully informed of their Constitutional rights . . . including the right to be represented by counsel at every state of the proceedings."

[26-8-22.2]
Appointed counsel for all parties, if without sufficient means.
[26-8-22.3 & 26-8-58] Right to appeal circuit court from a judgment, decree or order of the district court under the provisions of the chapter. If unrepresented by counsel, right to file motion for new trial.

Procedures:
[26-8-1.1] "Make whatever informal adjustment is practicable without a petition, provided that: the child, his parents, guardian, or other custodian were informed of their constitutional and legal rights including being represented by counsel at every stage of the proceedings. . . ."

[26-8-32] "... the court shall admit the general public ... except when the child, his parents or their attorney request that the hearing be private. . . ."

[26-8-32.4] "A verbatim record shall be taken of all adjudicatory hearings. A verbatim record shall not be required in any other hearings unless ordered by the court."

[26-8-30] "All adjudicatory hearings . . . shall be conducted in accordance with . . . the rules of civil procedure . . . shall be informal . . . conducted under such rules as the court may prescribe. . . ."

[26-8-22.5] At adjudicatory hearing—consider whether allegations supported by a preponderance of the evidence.

[26-8-22.11] At the dispositional hearing following adjudication, "the court shall hear evidence on the proper disposition best serving the interests of the child and the public."

Dispositions:
[26-8-35] "When a child . . . is neglected . . . the court may . . . "
- place the child in the legal custody of his parents or relative or other suitable persons, with or without protective supervision under such conditions as the court may impose;
- place legal custody in the division of social welfare or a child placement agency;
- order the child to be examined or treated by a physician and place the child in a hospital for such purposes.
South Dakota—continued

[26-8-36]  “The court may enter a decree terminating all parental rights of one or both parents. . . .”

[26-8-59]  The court may make orders of protection in assistance of, or as a condition of, any decree of disposition authorized by this chapter. “The order of protection may set forth reasonable conditions of behavior to be observed for a specified period by the parent, guardian, or any other person who is a party to a proceeding . . . The order . . . may require any such person—
To stay away from a child or his home;
To permit a parent to visit a child at stated periods;
To abstain from offensive conduct against a child;
To give proper attention to the care of the home;
to co-operate in good faith with an agency which has been given legal custody of a child . . .
To refrain from acts of commission or omission that tend to make a home an improper place for a child;
To perform any legal obligation of support. . . .

Length & Effect:

[26-8-48]  Transfers of legal custody “shall continue until the court shall order otherwise . . . but not after such child shall have reached the age of majority.”

[26-8-59]  Protective orders may be modified or extended for a specified period of time.

[26-8-61]  “the court may modify or set aside any order or decree made by it, except a decree terminating parental rights.”

Records:

[28-8-33]  “. . . Records of court proceedings shall be open to inspection by the parents . . . Probation . . . records and reports of social and clinical studies . . . shall not be open to inspection, except by consent of court.
“With consent of the court, records of court proceedings may be inspected by the child.”

Penalty for Neglect

[26-9-1]  Yes.

Contributing to dependency as defined by Chapter 26-8 a misdemeanor punishable by fine not exceeding $500, or by imprisonment in county jail not exceeding 1 year or both.
**Reportable Under Child Abuse Law**

Yes—[Criminal Code §§ 26-10-10 through 26-10-15; last amended 1973.]

[26-10-10; last amended 1973]

"... having reasonable cause to suspect that any child ... examined by such person either for care or treatment, has been starved or has had serious physical injury or injuries inflicted upon him by abuse or willful neglect other than by accidental means, by any person including parent or other person responsible for his care. . . ."

**Nature of report:**

Mandatory; accusatory; for under the age of 18.

**Immunity:**

From civil and criminal liability for all acting in good faith.

**Waivers:**

Physician-patient; Husband-wife.

**Penalty:**

Yes.

A knowing and willful violation constitutes a misdemeanor.

**Central Registry**

The department of public welfare shall be the central registry.

(See Special Clauses—Reporting.)

**Termination of Parental Rights**

Yes—[§ 26-8-36; last amended 1968; (See Neglect Hearing—Dispositions.)

**Grounds:**

"The court may enter a decree terminating all parental rights of one or both parents ... when it finds that the best interests ... of the child so require ... (or) if it finds that the parents ... have abandoned the child for a period of six months. . . ."

**Special Clauses**

Neglect Section

[26-8-22]

*Guardian ad litem:*

"The court may, in any case when the child is not represented by any person, appoint some suitable person to act on behalf of the child."

[26-8-6]

*Spiritual healing exemption:*

"provided ... no child who in good faith is under treatment solely by spiritual means through prayer ... shall ... be considered to be neglected. . . ."
Preference in placement:
"... place such child in the care and custody of
some individual holding the same religious beliefs
as the parents of the child. . . ."

Waiver of disability:
"No adjudication under the provisions of this
chapter shall operate as a disqualification of any
child for any public office, or from any civil
service or military service application and no child
shall be denominated as a criminal by reason of
such adjudication, nor shall such adjudication be
denominated a conviction. . . ."

"No adjudication, disposition or evidence given in
proceedings . . . shall be admissible against a
child in any criminal or other action or proceeding,
except in subsequent proceedings under this
chapter concerning the same child."

Reporting Statute
Other:
"... The department of public welfare shall be the
central registry for such information and shall
release such information only to the attorney
general, the states attorneys, the judges of the
court, to any other person by order of the court, or
to a regional or national registry of child abuse
cases and to courts of record of other states on
request."
TENNESSEE

CITATIONS


PURPOSE CLAUSES

[37-201; last amended 1970] Neglect Section

"(1) to provide for the care, protection, and wholesome moral, mental and physical development of children . . . ;

(3) to achieve the foregoing purposes in a family environment whenever possible, separating the child from his parents only when necessary for his welfare or in the interest of public safety;

(4) to provide a simple judicial procedure through which this chapter is executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced; and . . ."

[37-1202; as enacted 1973] Reporting Statute

"The purpose . . . is to protect children whose physical or mental health and welfare are adversely affected by brutality, abuse or neglect by requiring reporting of suspected cases . . . that . . . the protective services of the State shall be brought to bear on the situation to prevent further abuses, to safeguard and enhance the welfare of children, and to preserve family life. This Chapter shall be administered and interpreted to provide the greatest possible protection as promptly as possible for children."

DEFINITIONS

[37-202; last amended 1973] ‘Child’ means a person less than eighteen (18) years of age and no exception shall be made for a child who may be emancipated by marriage or otherwise.”

‘Dependent and neglected child’ means a child (i) who is without proper guardianship;

(ii) whose parent, guardian, or person with whom the child lives, by reason . . . immorality, or depravity is unfit to properly care for such child;
Tennessee—continued

(iii) who is under unlawful or improper care, supervision, custody or restraint by any person, corporation, agency, association, institution . . . or who is unlawfully kept out of school;

(iv) whose parent, guardian or custodian neglects or refuses to provide necessary medical, surgical, institutional or hospital care for such child;

(v) who because of lack of proper supervision, is found in any place the existence of which is in violation of law;

(vii) who is suffering from or has sustained a wound, injury, disability, or physical or mental condition caused by brutality, abuse, or neglect.”

Neglect Hearing

Rights:

“A party is entitled to the opportunity to introduce evidence and otherwise be heard in his own behalf and to cross-examine adverse witnesses.”

Guardian ad litem for child. (See Special Clauses.)

Procedures:

“Before a petition is filed, the probation officer or other officer of the court . . . may give counsel and advice . . . with a view to an informal adjustment . . .”

Provisions for referees to hear cases and submit written findings and recommendations to the judge. Unless a rehearing is ordered the findings and recommendations when confirmed in writing by the judge, become the findings and order of the court.

“Hearings under this chapter shall be conducted by the court without a jury, in an informal but orderly manner, and separate from other proceedings . . . Minutes of all proceedings shall be kept by the court.

. . . the general public may be excluded from hearings under this chapter. The court may
Part IV: Digests of Neglect Laws

temporarily exclude the child from the hearing . . ."

[37-228(b)]

". . . it is the function of the juvenile court when necessary to give the child emergency temporary care and the court shall forthwith refer the case to the county director of public welfare to investigate the social conditions of the child and to report the findings to the court to aid the court in its disposition of the child . . ."

[37-229(c)]

"If the court finds from clear and convincing evidence that the child is dependent or neglected . . . the court shall proceed immediately or at the postponed hearing to make a proper disposition of the case."

[37-229(d)]

". . . all evidence helpful in determining the questions presented, including oral and written reports, may be received . . . and relied upon to the extent of its probative value even though not otherwise competent in the hearing on the petition. The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making the reports. Sources of confidential information need not be disclosed."

Dispositions:

[37-229(a)]

". . . if the court finds that the child is not a dependent or neglected child . . . it shall dismiss the petition . . ."

[37-330]

"If the child is found to be dependent or neglected, the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

(1) permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes . . . ;

(2) subject to conditions and limitations as the court prescribes transfer temporary legal custody to:

(i) any individual who, . . . is found by the court to be qualified to receive and care for the child;

(ii) the state department of welfare;

(iii) an agency or otherwise private organization
Tennessee—continued

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licensed or otherwise authorized by law to
receive and provide care for the child; . . . ”

[37-228(c)]  “. . . may order the child . . . examined at a suit-
able place by a physician or psychologist and may
also order medical or surgical treatment . . . even
if the parent, . . . without good cause informs the
court of his refusal to consent to the treatment.”

[37-256]  Court may inquire into the financial ability of the
parents and make orders to support.

[37-250]  May make an order restraining the conduct of a
person if the court finds that the conduct may be
harmful to the child.

Length & Effect:

[37-203(c)]  “. . . Whenever a child is adjudged a dependent
and neglected . . . child under the provisions of
this chapter, the court may in its discretion retain
jurisdiction and control of such child, in accord-
ance with the provisions of this chapter, until he or
she shall have reached the age of twenty-one (21)
years.”

[37-238]  Orders modifiable or must be set aside “on the
ground that changed circumstances so require in
the best interest of the child.”

Records:

[37-251]  “. . . all files and records of the court in a pro-
ceeding under this chapter are open to inspection
only by:
(1) the judge, officers, and professional staff of
the court;
(2) the parties to the proceedings and their
counsel and representatives;
(3) a public or private agency or institution pro-
viding supervision or having custody of the
child . . .
(5) with permission of the court any other person
or agency or institution having a legitimate interest
in the proceeding or in the work of the court.”

Penalty for Neglect

[37-2550]  “When any child shall be declared . . . dependent
and neglected . . . the parent, guardian, or other
person who shall by any willful act cause,
contribute to, or encourage . . . shall be guilty of a
misdemeanor . . . and shall be fined not more than fifty dollars ($50.00), or imprisoned for not more than eleven (11) months and twenty-nine (29) days, or shall be punished by both such fine and imprisonment."

**REPORTABLE UNDER CHILD ABUSE LAW**

[37-1203] Yes—[§§ 37-1201 through -1211; enacted, 1973.]

"... having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect . . . shall report . . ."

**Nature of Report:**

Mandatory; non-accusatory; for under the age of 18.

**Immunity:**

Person reporting is presumed to be acting in good faith and shall be immune from any liability, civil or criminal, that might otherwise be incurred.

**Waivers:**

Husband-Wife; Psychiatrist-Patient; Psychologist-Patient.

**Penalty:**

Person who knowingly fails to report is guilty of a misdemeanor. May be fined not more than fifty dollars or imprisoned for not more than three months or both.

**Central Registry:**

The department [of Public Welfare] shall maintain a state central registry.

**Termination of Parental Rights**

Yes—[§§ 37-203(2); -236; -346; -347; last amended 1971.]

"... terminate parental rights when a child is found to have been abandoned for four (4) consecutive months immediately preceding institution of an action or proceeding to declare the child to be an abandoned child . . ."

(Note: Sec. 202(7): "'Abandoned child' means a child whose parents or other persons lawfully charged with his care and custody willfully fail to visit or willfully fail to support or make payments toward his support for a period of four (4) consecutive months.")
"(a) The petition to terminate parental rights shall . . . state clearly that an order for termination . . . is requested and . . . the effect thereof . . .

(b) If the paternity of a child born out of wedlock has been established prior to the filing of the petition the father shall be served with summons . . . He has the right to be heard unless he has relinquished all parental rights with reference to the child."

"(a) . . . the court shall award the complete custody, control and guardianship of the child to the department of public welfare or a licensed child placing agency with the right to place the child for adoption and to consent to the adoption in loco parentis.

(b) The court may not change, set aside or modify such order . . . except with the consent of the department of public welfare or such licensed child placing agency, when it is necessary to care for or safeguard the interest or welfare of such child."

". . . terminates all . . . rights and obligations with respect to the child and of the child to him arising from the parental relationship. The parent is not thereafter entitled to notice of proceedings for the adoption of the child . . . nor has he any right to object to the adoption . . ."

Neglect Section

Guardian ad litem:

"The court at any stage of a proceeding . . . on application of a party or on its own motions shall appoint a guardian ad litem for a child . . . if he has no parent, guardian or custodian appearing on his behalf or their interest conflict with his or in any other case in which the interests of the child require a guardian. The court, in any proceeding under this chapter resulting from a report of harm or an investigation report under §§ 37-1201-37-1211, shall appoint a guardian ad litem . . ."
Waiver of disability:

"An order of disposition or other adjudication . . . is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment . . . The disposition of a child and evidence adduced in a hearing in juvenile court may not be used against him in any proceeding in any court other than a juvenile court, whether before or after reaching majority, except in dispositional proceedings after conviction of a felony for the purposes of a presentence investigation and report."

Reporting Statute

Other:

"The person in charge of any hospital or similar institution may, when he believes it necessary for the health of the child, retain custody of the child after reporting . . . regardless of whether additional medical treatment is required during that period and regardless of whether the child's parent or guardian requests the return of the child . . ."

Other:

"The department [of Public Welfare] shall adopt such rules as may be necessary . . . Such rules shall provide for (1) cooperation with local child service agencies, including but not limited to hospitals, clinics, physicians, and schools, in identifying cases of harm caused by brutality, abuse or neglect; (2) purging reports caused by brutality, abuse or neglect; (2) purging reports upon a child's reaching eighteen years of age; (3) scientific or governmental research on child abuse without jeopardy to the rights of the children named in the file; (4) disclosure of contents of the files only for the purposes of the Chapter; and (5) procedures for the disclosure of contents of the files. Central registry files are not open to public inspection."
TEXAS

CITATIONS

TEX. FAM. CODE ANN. § 11.01 - et seq. (1975)—Neglect; §§ 34.01 - 34.06 (1975)—Reporting; §§ 15.01 - 15.07 (1975)—Termination.

PURPOSE CLAUSE

No.

DEFINITIONS

[11.01; as enacted 1973]

"'child' or 'minor' ... a person under 18 years of age who is not and has not been married."

"'Suit affecting the parent-child relationship' means a suit brought under this subtitle in which . . . termination of the parent-child relationship is sought."

No statutory definition of "neglected child."

[12.04; as enacted 1973]

Note the following language regarding parental duties:

". . . the parent of a child has the following . . . duties . . . the duty of care, control, protection, moral and religious training, and reasonable discipline of the child; the duty to support the child including providing the child with clothing, food, shelter, medical care, and education; the duty to manage the estate of the child; . . . ."

NEGLECT HEARING

Rights:


Procedures:


. . . the court may limit attendance at the hearing . . . A record shall be made . . . the rules of evidence apply as in other civil cases, . . . the person making the report, . . . is subject to . . . cross-examination as in civil cases . . ."

[11.15] "The court's findings shall be based on a preponderance of the evidence under rules generally applicable to civil cases."
Dispositions:
[11.11] "... the court may make any temporary order for the safety and welfare of the child, ... 
   (1) for the temporary conservatorship of the child;
   (2) for the temporary support of the child; ... 
   (3) restraining any party from molesting or disturbing the peace of the child; ... 
   (4) taking the child into the possession of the court. ... 
   (5) attacking the body of the child or prohibiting a person from removing the child beyond the jurisdiction of the court. ...

[14.05(a)] Court may order either or both parents to make support payments until the child is 18 years of age.

Length & Effect:
[14.05(d)] Orders are modifiable. Provisions for support terminated by marriage of the child, removal of the child's disabilities, or the death of the parent obligated to support the child.

Records:
[11.17(d)] "The records required to be maintained by the department are confidential. ...

Penalty for Neglect
No.

Reportable Under
Child Abuse Law
Yes—[§§ 34.01-34.06; as enacted 1973.]

Nature of report:
Mandatory; non-accusatory; for a child.

Immunity:
From civil or criminal liability, unless reported in bad faith or with malice.

Waivers:
All privileges waived except that between attorney-client.

Penalty:
No.

Central Registry:
"The State Department of Public Welfare shall establish and maintain ..."

Termination of
Parental Rights
Yes—[§§ 15.01-15.07; a separate chapter enacted 1973.]
Texas—continued

Grounds:

[15.02] “... termination of the parent-child relationship ... may be granted if the court finds that:

(1) the parent has:

(A) voluntarily left the child alone or in the possession of another ... and expressed an intent not to return; or

(B) voluntarily left the child alone, or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months, or

(C) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child;

(D) engaged in conduct ... which endangers the physical or emotional well-being of the child; ...

(E) failed to support the child in accordance with his ability; ...

(F) abandoned the child without identifying the child or furnishing means of identification, ...

(G) contumaciously refused to submit to a reasonable and lawful order of a court; ...

or

(H) been the major cause of:

(i) the child’s repeated violations of the compulsory school attendance laws; ...

(ii) the child’s absence from his home without the consent of his parents or guardian for a substantial length of time or without the intent to return; ... and

(2) termination is in the best interest of the child.” Section 15.01 provides for petition filed by a parent requesting termination of the relationship with his child.”

Procedures:

[15.03] “An affidavit for voluntary relinquishment of parental rights must be signed by the parent, whether or not a minor ... witnessed by two credible persons, and acknowledged ... The affi-
Part IV: Digests of Neglect Laws

Dispositions:

[15.05] davit must contain ... a statement that the parent has been informed of his parental rights, powers, duties, and privileges; and a statement that the relinquishment is revocable, or that the relinquishment is irrevocable, or that the relinquishment is irrevocable for a stated period of time. . . .”

“(a) If the court finds grounds . . . it shall enter a decree terminating the parent-child relationship.

(b) If the court terminates . . . with respect to both parents or to the only living parent, the court shall appoint a suitable, competent adult or authorized agency as managing conservator of the child. . . .

(c) If the court does not order termination . . . it shall:

(1) dismiss the petition; or

(2) enter any order considered to be in the best interest of the child.”

[15.06] “A petition for termination . . . may not be dismissed on the motion of the petitioner except by order of the court entered on the written motion of all parties to the proceeding. Unless otherwise stated in the court’s order, the dismissal is without prejudice.”

Effect:

[15.07] “A decree terminating the parent-child relationship divests the parent and the child of all legal rights, privileges, duties and powers, with respect to each other, except that the child retains the right to inherit from its parent unless the court otherwise provides.”

Special Clauses

[11.10] Neglect Section

Guardian ad litem:

“In any suit in which termination of parent-child relationship is sought, the court shall appoint a guardian ad litem to represent the interests of the child, . . . .

A guardian ad litem shall be appointed to represent any other person entitled to service of citation . . . if the person is incompetent or a child.

The court may appoint an attorney to represent the interests of a minor child in any suit under this
sub-title in which a guardian ad litem has not been appointed."

[11.11] "... In any case in which it appears to the juvenile court that the child's parent or guardian is incapable or unwilling to make decisions in the best interest of the child with respect to proceedings under this title, the court may appoint a guardian ad litem to protect the interests of the child in the proceedings."
PART IV; DIGESTS OF NEGLECT LAWS

UTAH

CITATIONS


PURPOSE CLAUSES

[55-10-63; last amended 1965] Neglect Section

"... purpose of this act to secure for each child . . . such care, guidance and control, preferably in his own home, as will serve his welfare and the best interests of the state; to preserve and strengthen family ties whenever possible; to secure for any child who is removed from his home the care, guidance, and discipline required to assist him to develop into a responsible citizen . . . this act shall be liberally construed."

[55-16-1; last amended 1966] Reporting Statute

"In order to protect minors whose health and welfare may be adversely affected by the infliction of physical injury as a result of abuse or negligence, the legislature . . . provides for the mandatory reporting of such cases . . . It is the intent of the legislature that protective social services shall be made available in an effort to prevent further abuses or neglect and to safeguard and enhance the welfare of such children and to preserve the family life whenever possible."

DEFINITIONS

[55-10-64; last amended 1965] ‘Child’ means a person less than eighteen years of age. ‘Neglected child’ includes
-A child who lacks proper parental care by reason of the fault or habits of the parents . . .
-A child whose parent, guardian, or custodian has abandoned him . . .
-A child whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, education, or medical care, including surgery or psychiatric services. . . ."

“Termination of parental rights” means the permanent elimination of all parental rights and duties by court order.”
Utah—continued

Neglect Hearing

Rights:

[55-10-94] "Parents . . . and the child . . . shall be informed that they have the right to be represented by counsel at every stage of the proceedings . . . If any of them . . . without sufficient financial means to employ an attorney, counsel shall be appointed . . . parties have the right to appeal."

[55-10-81] Adult cases—trial by jury of four.

Procedures:

[55-10-75] Provision for referees.

[55-10-94] "Hearings in children's cases shall be held before the court without a jury and may be conducted in an informal manner. The general public shall be excluded . . . A verbatim record of the proceedings shall be taken, by a court stenographer . . ."

[55-10-105] "Proceedings in children's cases shall be regarded as civil proceedings . . ."  

Dispositions:

[55-10-100] "Upon adjudication, the court may make the following dispositions by court order:

(1) . . . may place the child or under protective supervision in his own home, upon conditions determined by the court;

(2) . . . may place . . . in the legal custody of a relative or other suitable person . . .

(3) . . . may vest legal custody . . . in the state department of public welfare or other public agency . . .

(4) . . . may commit . . . to the state industrial school . . .

(6) . . . may place the child on a ranch, forestry camp, or similar facility for care and for work . . .

(10) . . . may order that the child be examined or treated by a physician, . . . or that he receive other special care, and for such purpose may place . . . in a hospital or other suitable facility.

(11) . . . may appoint a guardian for the child where it appears necessary to do so in the interest of the child . . .

(13) . . . may make an order setting forth rea-
reasonable conditions to be complied with by the parents.

(14) . . . may order hospitalization in the Utah State Hospital if the court finds . . . that the child is mentally ill. . . .

(17) . . . may make any other reasonable orders which are for the best interest of the child or are required for the protection of the public. . . .

(18) before depriving any parent of the custody of his or her child, the court shall give due consideration to the preferred right of parents to the custody of their children . . . and shall not transfer custody to another person, agency or institution, unless the court finds from all the circumstances in the case that the welfare of the child or the public interest requires that the child be taken from his home.

[55-10-109] Court may decree termination of all parental rights.

(See TERMINATION Section.)

[55-10-110] Court may inquire into the ability of parents to support the child and to pay for medical, psychiatric or psychological examination or treatment provided under order of the court. Court may require parents or other person to pay the whole or part of such support.

Length & Effect:

[55-10-100] "(19) and order under this section for . . . placement of a child . . . shall include a date certain for review of the case by the court. . . .

[55-10-101] Jurisdiction obtained by the court shall continue until age twenty-one, unless sooner terminated.

[55-10-106] "The court may modify or set aside any order or decree made by it . . ."

Records:

[55-10-116] "The court . . . shall keep records . . . Court records shall be open to inspection by the parents, or guardian, other parties in the case, the attorney, and agencies to which custody of a child has been transferred; and with the consent of the judge, court records may be inspected by the child . . ."
Utah—continued

Penalty for Neglect

Yes.

[55-10-80] “The court shall have jurisdiction to try the following adults for offenses committed against children:

. . . Any person eighteen years or over, having a child in his legal custody, or in his employment, who willfully abuses or ill-treats, neglects or abandons such child in any manner likely to cause the child unnecessary suffering or serious injury to his health or morals; . . . shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding six months, or by a fine not exceeding $299, or by both.”

Reportable Under Child Abuse Law

Yes—[§§ 55-16-1 through 55-16-6; last amended 1969.]

[55-16-2] “. . . having cause to believe that a minor has had a physical injury as a result of unusual or unreasonable physical abuse or neglect . . .”

Nature of report: Mandatory; non-accusatory; for minor.

Immunity: From civil or criminal liability for reporting in good faith.


Penalty: A knowing and willful violation of provisions constitutes a misdemeanor.

Central Registry: No.

Termination of Parental Rights

Yes—[§ 55-10-109; last amended 1965.] A possible disposition at the Neglect Hearing.

Grounds:

[55-10-109] “The court may decree a termination of all parental rights . . . if the court finds:
(a) that the parents or parent are unfit or incompetent by reason or condition seriously detrimental to the child;
(b) that the parent or parents have abandoned the child . . . for a period of six months . . .
(c) . . . the parent or parents substantially and continuously or repeatedly refused or failed to give the child proper parental care and protection.
Rights:  

(2) . . . A verbatim record of the proceedings must be taken . . . parties must be advised of their right to counsel . . .  

(3) Unless there is an appeal from the order terminating the rights of one or both parents, the order permanently terminates the legal parent-child relationship . . . of the parent or parents involved.

Procedures & Effect:  

(5) The parent-child relationship may be terminated upon voluntary petition of one or both parents. . . termination with respect to one parent does not effect the rights of the other parent.”

Special Clauses  

Neglect Section

Guardian ad litem:
“. . . the court may appoint a guardian ad litem to protect the interest of the child. A guardian ad litem may also be appointed whenever necessary for the welfare of the child, whether or not a parent or guardian is present.”

Preference in placement:
“. . . in placing a child . . . the court shall . . . whenever practicable, . . . take into consideration the religious preferences of the child and of his parents.”

Waiver of disability:
“An adjudication by a juvenile court that a child is within its jurisdiction . . . shall not be deemed a conviction of a crime . . . no such adjudication shall operate to impose any civil disabilities upon the child nor to disqualify the child from any civil services or military service or appointment.”
VERMONT

CITATION


PURPOSE CLAUSE

[631; last amended 1968]

“(1) To provide for the care, protection and wholesome moral, mental and physical development of children . . .

(3) to achieve the foregoing purposes, whenever possible, in a family environment, separating the child from his parents only when necessary for his welfare or in the interests of public safety; and

(4) to provide judicial procedure through which the provisions of this chapter are being executed and enforced and in which parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced . . .”

DEFINITIONS

[632; last amended 1973]

“‘Child’ means a person under the age of eighteen years . . .”

“‘Neglected child’ means a child who:

(a) has been abandoned by his parents . . . or

(b) is without proper parental control, or subsistence, education, medical or other care of control necessary for his well-being.”

[632(16)]

“‘Residual parental rights and responsibilities’ means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person of the minor, . . .”

NEGLECT HEARING

Rights:

[647(c)]

“The summons shall state that each party to the proceeding is entitled to counsel . . . and that the court will appoint counsel under the conditions prescribed by law . . .”

[659]

Appeal.

Procedures:

[651]

“Hearings . . . shall be conducted by the juvenile court without a jury in an orderly manner and separate from all other proceedings . . . full minutes of the proceedings shall be kept by the court . . . the general public shall be excluded from hearings . . . If the court finds that it is in the
best interest and welfare of the child, his presence may be temporarily excluded . . ."

May appoint guardian ad litem or counsel for child.

**Dispositions:**

"... If the court finds that the allegations made . . . have not been established, it shall dismiss the petition . . ."

"... the court may make any of the following orders of disposition most suited to the protection and physical, mental and moral welfare of the child:

(1) Permit the child to remain with his parents, guardian or custodian, subject to such conditions and limitations as the court may prescribe,

(2) Place the child under protective supervision,

(3) Transfer legal custody, or guardianship over the person, or residual parental rights and responsibilities, to any of the following:

(a) The commissioner of social and rehabilitation services, who may place the child under his supervision and authority in a family home, . . .

(b) Any individual operating a foster or group home licensed as required by law to receive such child, or any other individual found by the court to be qualified to receive and care for the child, . . .

(c) A child placing agency or other private organization. . . ."

Court may make an order restraining or otherwise controlling the conduct of a person if:

"(2) The court finds that such conduct is or may be detrimental or harmful to the child, and will tend to defeat the execution of the order of disposition made or to be made . . ."

**Length & Effect:**

"Unless otherwise specified . . . an order . . . shall be for an indeterminate period . . . provided further that, every order transferring legal custody or guardianship over the person shall be reviewed two years from the date entered and each two years thereafter. In no event shall any such order remain in force or effect beyond the minority of the child."
Vermont—continued

[659] All orders amendable, modifiable and may be set aside or terminated by the court at any time on the ground that changed circumstances so require.

Records: No specific references.

Penalty for Neglect No.

Reportable Under Child Abuse Law No. Only abuse reported.

Termination of Parental Rights No.

Special Clauses

Neglect Section

Guardian ad litem:
"The juvenile court, at any stage of the proceeding...shall appoint a guardian ad litem...for a child who is a party to the proceeding, if he has no parent...appearing on his behalf or their interests conflict with those of the child, or in any other case where the court believes the interests of the child require such guardian or counsel."

Waiver of disability:
"An order...shall not be deemed a conviction of crime or impose any civil disabilities ordinarily resulting from a conviction or to operate to disqualify the child in any civil service application or appointment..."
Part IV: Digests of Neglect Laws

**VIRGINIA**

**CITATION**


**PURPOSE CLAUSE**

[16.1-140; last amended 1956]

Neglect Section

"This law shall be liberally construed . . . remedial in character . . . It is the intention of this law that . . . proceedings concerning disposition, custody or control of children . . . the court shall proceed upon the theory that the welfare of the child is the paramount concern of the state . . . A child . . . shall be for his or her minority subject to such watchful care, custody, discipline, supervision, guardianship and control as may be conducive to the welfare of the child and the best interests of the state."

**DEFINITIONS**

[16.1-141]

"'Child' means a person less than eighteen years of age."

[16.1-158; last amended 1973]

No statutory definition of "neglected child" but:

"The court . . . has jurisdiction in matters involving:

"(1) The custody, support, control or disposition of a child:

(a) Whose parent . . . is unable, or neglects or refuses when able to do so, to provide proper or necessary support, education as required by law, or medical, surgical or other care necessary for his well-being;

(b) Who is without proper parental care, custody or guardianship;

(c) Who is abandoned by his parent . . .

(d) Whose parent or parents . . . for good cause desire to be relieved of his care and custody;

(f) Whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;

(h) Who being required by law . . . to attend school is a willful and habitual truant therefrom; . . ."
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Virginia—continued

NEGLECT HEARING

Rights:
"(2) If the court ascertains and determines that the child . . . or his parent . . . is indigent . . . the court shall appoint an attorney-at-law to represent him . . . the attorney . . . shall represent the child . . . at all other stages of the proceeding . . ."

Procedures:
[16.1-154] "The chief judge . . . may determine the form and character of the records of the court . . . The chief judge may adopt and publish rules not in violation of law . . ."

[16.1-162] "... hearing . . . held at a different time from the hearing of other cases in the court. The general public shall be excluded . . . and only such persons admitted as the judge shall deem proper . . . the presence of . . . the child in court may be waived at any stage . . ."

Dispositions:
[16.1-166] "... If it appears that the child is in such condition or surroundings that his welfare requires . . . the judge may order . . . that the officer . . . take the child into custody."

[16.1-178] "If the court shall find that the child or minor is a person subject to the provisions of this law it shall . . . proceed as follows:
(2) Leave the child . . . in his home under the supervision of the court with or without taking custody; or take custody and place the child . . . temporarily in a suitable home, under the supervision of the court . . .
(3) Take custody and commit the child . . . to the care and custody of the local board of public welfare . . .
(4) Take custody and if . . . the court finds that it would be in the best interests of the child and the State, the court may . . . commit the child . . . to the care and custody of any proper person . . . preferring, however, the nearest of kin.
(5) Take custody and commit the child . . . to the care and custody of a private agency or organization . . ."
(6) Commit the child . . . if adjudged mentally defective, to a mental institution . . .

(10) Order support or other such care and treatment, medical, or otherwise, as the court deems to be for the best interests of the child . . . ."

Any person within the court's jurisdiction may be ordered examined and treated by a physician. Court has power to send any person to a State mental hospital for observation.

"Whenever a child . . . appears to be in need of nursing, medical or surgical care, the court may order the parent . . . to provide such care in a hospital or otherwise . . . ."

"All commitments . . . shall be for an indeterminate period having regard to the welfare of the child and the interests of the public, but no child committed hereunder shall be held or detained after such child shall have attained the age of twenty-one years . . . ."

"The court . . . may reopen any case and modify or revoke its order . . . ."

Shall be withheld from public inspection but may be open to the child's parents and attorney and to such other persons as the judge decides have a proper interest therein.

Yes—[§ 40.1-103] in part:

"It shall be unlawful . . . willfully or negligently to cause or permit the life of . . . a child to be endangered or the health of . . . child to be endangered . . . or morals . . . endangered . . . a violation of this section is a misdemeanor . . . ."

". . . In case the defendant has been sentenced for a misdemeanor (such as Section 40.1-103) and committed, the court may, at any time, before the sentence has been fully served, suspend the unserved portion of such sentence . . . ."

"A misdemeanor for which no punishment or no maximum punishment is prescribed . . . shall be punished by fine, not exceeding one thousand dollars or confinement in jail not exceeding twelve
Virginia—continued

REPORTABLE UNDER
Child Abuse Law


Nature of Report:
Mandatory; non-accusatory; for under the age of 16.

Immunity:
From civil and criminal liability, unless it is proved that such person acted in bad faith or with malicious intent.

Waivers:
Physician-patient; Husband-wife.

Penalty:
No.

Central Registry:
Bureau of Vital Statistics, Department of Health shall keep a record of each such child until he or she has attained the age of sixteen years.

Termination of Parental Rights

Special Clauses

[16.1-173(f)]

Neglect Section
Guardian ad litem:
"In all . . . cases which in the discretion of the court requires counsel to represent the interests of the child . . . a guardian ad litem may be appointed by the court. . . ."

[16.1-182]
Preference in placement:
"In placing a child under the guardianship or custody of an individual or of a private agency or institution, the court shall whenever practicable select a person, or an agency or institution governed by persons, of the same religious faith as that of the parents of the child. . . ."
Waiver of disability:
". . . no adjudication or judgment upon the status of the child . . . shall operate to impose any of the disabilities ordinarily imposed by conviction of a crime, nor shall any such child be denominated a criminal by reason of any such adjudication, nor shall such . . . be denominated a conviction. The disposition made of a child . . . or any evidence given in court concerning him shall not operate to disqualify the child in any future civil service application or appointment or military or naval enlistment."

Reporting Statute

Spiritual healing exemption:
". . . provided, however, that a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a physically neglected child for the purposes of this section."
WASHINGTON

CITATIONS


PURPOSE CLAUSE

[13.04.140; last amended 1962]

Neglect Section

"This chapter shall be liberally construed . . . the care, custody and discipline of a dependent child . . . shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the dependent . . . child . . . shall be placed in an approved family, by adoption or otherwise . . . No dependent . . . child . . . shall be taken from the custody of its parent, parents or legal guardian, without the consent of such parent, parents or guardian, unless the court shall find such parent, parents or guardian is incapable or has failed or neglected to provide proper maintenance, training and education of said child; . . . or unless the court shall find that the welfare of said child requires that his custody shall be taken from said parent or guardian."

[26.44.010; last amended 1969]

Reporting Statute

"In order to protect children and the mentally retarded whose health and welfare may be adversely affected through the infliction, by other than accidental means or death, physical injury and/or physical neglect, or sexual abuse, the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard and enhance the general welfare of such children."

DEFINITIONS

[13.04.10; last amended 1962]

Neglect Section

"Dependent child" means any child under the age of 18.

(1) who has no home or any settled place of abode, or any proper guardianship. . . .
Part IV: Digests of Neglect Laws

(2) who has no parent, . . . or has no parent or guardian willing, or capable of exercising, proper parental control;

(3) whose home by reason of neglect, cruelty or depravity is an unfit place for such child; . . .

(4) who frequents the company of reputed criminals, vagrants or prostitutes, or

(5) who is found living in any house of prostitution or assignation; or

(6) who habitually visits any saloon . . .

(8) who is in danger of being brought up to lead an idle, dissolute or immoral life.

(9) who is a habitual truant. . .

(10) who uses intoxicating liquors as a beverage, or who uses opium, cocaine, morphine, heroin or marijuana, or other similar drugs . . .

(11) who wanders about in the night time without being on any lawful business for his well-being. . . ."

Reporting Statute

" 'child' or 'children' means any person under the age of eighteen years of age and . . . any mentally retarded person regardless of age."

" 'Practitioner of healing arts' or 'practitioner' means a person licensed by this state to practice chiropody, chiropractic, dentistry, osteopathy and surgery, or medicine and surgery. The term . . . shall include a duly accredited Christian Science practitioner."

(See Special Clauses—Reporting)

No specific provisions.

"All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of the court. The general public shall be excluded. . . . Stenographic notes . . . may be required as . . . in other civil cases."

" . . . the probation officers in each county may . . . make whatever informal adjustment or disposition of the case as is practical without the filing of a petition . . ."
"When any child shall be found to be . . . dependent . . . the court shall make such order for the care, custody or commitment . . . as the child's welfare and the interest of the state require. Subject to further order, the court may commit the child:

(1) to the care of the child's parents, subject to the supervision of the probation officer; . . .
(2) to the custody of a probation officer, subject to such conditions as the judge may impose; . . .
(3) to a reputable citizen or association able and willing to receive and care for such child; . . .
(4) to an appropriate private agency authorized to care for children; . . .
(5) to department of public assistance; . . ."

Court may make temporary orders of support.

Length & Effect:

Jurisdiction obtained by the court shall continue during minority.

". . . the court shall have power to order a change in the care or custody of such child, if at any time it is made to appear to the court that it would be for the best interests of the child to make such change."

Any order modifiable or terminable as the judge may deem proper.

Records:

No specific provisions.

Penalty for Neglect

Yes.

". . . the parent . . . who by any act or omission, encourages, causes or contributes to the dependency . . . of a child shall be guilty of a misdemeanor, and upon conviction . . . be punished by fine not exceeding one thousand dollars, or imprisonment in the county jail for not more than one year, or both such fine and imprisonment . . ."

Reportable Under Child Abuse Law

Yes—[§§ 26.44.010-26.44.080; last amended 1972.]

". . . has reasonable cause to believe that a child . . . has had physical injury or injuries inflicted upon him other than by accidental means, or who is found to be suffering from physical neglect . . ."
Part IV: Digests of Neglect Laws

**Nature of Report:** Mandatory; non-accusatory; for under the age of 18.

**Immunity:** From civil liability.

**Waivers:** Physician-Patient.

**Penalty:** Knowingly failing to make or failing to cause to be made a report is a misdemeanor.

**Central Registry:** "Department of Social and Health Services shall maintain a central registry of reported cases of child abuse..."
*(See Special Clauses—Reporting.)*

**Termination of Parental Rights**

No.

Although, the court may make an order of adoption which will be binding, no use of "termination of parental rights."

**Special Clauses**

Neglect Section

**[13.04.070]**

*Guardian ad litem:*

"... in any case the judge shall appoint some suitable person or association to act in behalf of the child."

**[13.04.140]**

*Spiritual healing exemption:*

"... a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered for that reason alone, a physically neglected child..."

Reporting Statute

**[26.44.020(3)]**

*Spiritual healing exemption:*

"... Provided, however, that a child who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a physically neglected child..."

**[26.44.050]**

*Other:*

"... the law enforcement agency or the department of social and health services investigation... a report is... authorized to photograph... a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody."
Washington—continued

[26.44.070]

"Records in the central registry shall be considered confidential and privileged and will not be available to any person or agency except law enforcement agencies . . . and to those professionals . . . who might be treating the child and/or family: provided, that such law enforcement agencies and professionals shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information."

Part IV: Digests of Neglect Laws

WEST VIRGINIA

Citation

Purpose Clauses

[49-1-1; last amended 1970]
Neglect Section
"... to provide a comprehensive system of child welfare throughout the state. . . ."

[49-6A-1; as amended 1965]
Reporting Statute.
"It is the policy . . . to provide for the protection of children who have had physical injury inflicted upon them and who, in the absence of appropriate reports concerning their conditions and circumstances, may be further threatened by the conduct of those responsible for such injury."

Definitions

[49-1-3; last amended 1941]
"Neglected child means a child under the age of eighteen years who:
(1) is destitute, homeless or abandoned.
(2) has not proper parental care or guardianship.
(3) habitually begs or receives alms.
(4) by reason of neglect . . . is living in an improper place.
(5) is in an environment warranting the appointment of a guardian under this article."

Neglect Hearing

Rights:

[49-5-6]
"... an interested person may demand . . . a jury of twelve persons to try any question of fact."

[49-5-13]
"In any proceeding . . . the child shall have the right to be represented by counsel, and the child and his parents, his guardian, his custodian, . . . must be informed at the outset of the child's right to be represented by counsel, and if neither the child nor any other of the aforementioned persons can pay for the services of counsel, that counsel will be appointed to represent the child."

[49-7-22]
"Cases under this chapter, if tried in any inferior
West Virginia—continued

court may be reviewed by writ of error or appeal to the circuit court, and if tried or reviewed in a circuit court, by writ of error or appeal to the supreme court of appeals.”

Procedures:
[49-5A-1; -2; -3]
Judge may appoint juvenile court referees to hold detention hearings for children taken into custody under color of law. Referees shall not conduct hearings on the merits of any case. Duty of the referee to avoid incarceration of such child in any jail and unless the circumstances otherwise require, to release into the custody of his parent, relative, guardian or other responsible adult or agency.

[49-2-5]
“Notice of the time and place of hearing shall be served upon the person having custody of the child . . .”

[49-6-3]
“Until a hearing can be held . . . the court or judge may order that the child be delivered into the custody of the state department of welfare or into such other custody as the court or judge may deem proper.”

Dispositions:
[49-6-4]
“If the court finds that the interests and welfare of the child may best be served by the state department, it may commit the child to the custody and guardianship of the State department.”

[49-6-5]
“In any case of a neglected child the court may:
1) return the child to his own home under the supervision of the state department of welfare;
2) commit the child to the custody of the state department of welfare or a licensed private child welfare agency;
3) when necessary for the welfare of the child . . . terminate all the parental rights . . .;
4) commit the child to a suitable person who may be appointed guardian of the person of the child;
5) enter whatever other order may, in the discretion of the court, be most conducive to the welfare of the child.”

[49-7-5]
“If it appears . . . that a person legally liable for the support of the child is able to contribute to the
Support of such child, the court . . . shall order the person to pay the State department, institution, organization, or private person to whom the child was committed, a reasonable sum from time to time for the support, maintenance, and education of the child."

**Length & Effect:**

**[49-5-2]**

"When jurisdiction shall have been obtained by any court of competent jurisdiction . . . child shall continue under the jurisdiction of the court until he becomes eighteen years of age unless discharged prior thereto . . ."

**[49-5-4]**

"A person under the age of eighteen years who appears before the juvenile court in any capacity shall be deemed to be a ward of the court . . . The juvenile court . . . shall request . . . a full time health officer, to make a physical and mental examination of the wards of the court . . ."

**[49-2-2]**

"A child committed to the State department for guardianship, after termination of parental rights, shall remain in the care of the department until he is adopted, or guardianship is relinquished through the court."

**Records:**

**[49-2-5]**

". . . All records regarding children and all facts learned about children and their parents or relatives shall be regarded as confidential and shall be properly safeguarded by the agency and the State department."

**Penalty for Neglect**

**[49-7-7]**

Yes

"A person who by any act or omission contributes to, encourages or tends to cause the delinquency or neglect of any child, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not to exceed five hundred dollars, or imprisoned in the county jail for a period not exceeding one year, or both."

(See Special Clauses Section 49-7-13)

**Reportable Under Child Abuse Law**

**[49-6A-2]**

Yes—[§§ 49-6A-1 through 49-6A-4; last amended 1973.]

". . . having a reason to believe that a child . . . has had serious injury or injuries inflicted upon
**West Virginia—continued**

him as a result of abuse or neglect . . .”

**Nature of Report:** Mandatory; non-accusatory; for under the age of eighteen.

**Immunity:** From civil and criminal liability; every report presumed to be in good faith.

**Waivers:** No.

**Penalty:** No.

**Central Registry:** No provision in the law. The department of welfare maintains a register by administrative policy.

**Termination of Parental Rights**

Yes—[§ 49-6-5(3); last amended 1973.]

“When necessary for the welfare of the child, terminate all the parental rights and responsibilities of the parent or parents of the child and commit the child to the permanent care and guardianship of the state department or of a licensed private child welfare agency . . .”

**Special Clauses**

**[49-2-1]**

Neglect Section

Preference in Placement:

“The department in placing any child . . . shall select as far as practicable a family holding the same religious belief as the parents or relatives of the child or a child welfare agency conducted under religious auspices of the same belief as the parents or relatives.”

**[49-7-3]**

Waiver of disability:

“Any evidence given in any cause or proceeding under this chapter, or any order, judgment or finding therein, shall not in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatsoever . . . nor shall any such adjudication upon the status of any child by a juvenile court operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication operate to disqualify any child in any future civil service examination, appointment, or application.”
Other:
“The conditions upon which the sentence of a person found guilty of contributing . . . to the neglect of any child may be suspended, may include the furnishing of a good and sufficient bond . . . not exceeding one thousand dollars, conditioned upon:
Furnishing whatever treatment and care may be required for the welfare of such child.
Doing whatever may be calculated to secure obedience to the law or to remove the cause of delinquency, or neglect.
Payment of such amount as the court may order, not exceeding twenty dollars per month, for the support, care, and maintenance of the child. . . .”
WISCONSIN

Citation

Purpose Clause
"(2) Intent—. . . to promote the best interests of the children of this state through
(a) Juvenile court. . . review each case on its individual merits under procedures designed to safeguard the legal rights of child and parents. . .
(b) . . . integrated and coordinated program for all delinquent, neglected and dependent children, both in their own community and while in custody of the state. . .
(c) Protection of children from unnecessary separation, either temporary or permanent from their parents. . .
(d) . . . adequate care and rehabilitation if separated. . .
(e) . . . coordinated planning to assist local committee in promoting effective programs in health, education, recreation and welfare for maximum development of all children and for the control of influences detrimental to youth. . .
(f) Assurance for child meeting adopting home, that they will be placed in the best homes available. . . protection for children who are legally established in adoptive homes from interference by their natural parents.

(3) Construction—. . . liberally construed to effect objectives. . . best interests of the child. . . paramount. . . but court shall also consider interest. . . parents or guardian of the child and the interest of the public. . ."

Definitions
[48.02] "child"—Person under 18 years
[48.13 last amended 1959] "neglected"—No statutory definition of neglected child. (See jurisdiction over children)

"A child who is alleged to be neglected. . .
(a) . . . abandoned by his parent, guardian or legal custodian; or
(b) . . . without proper parental care because of
the faults or habits of his parent, guardian or legal custodian; or
(d) . . . without necessary subsistence, education or other care necessary for his health, morals or well-being because his parent, guardian or legal custodian neglects or refuses to provide it; or
(e) . . . without the special care made necessary by his physical or mental condition because his parent, guardian, or legal custodian neglects or refuses to provide it; or
(f) His occupation, behavior, condition, environment or associations are such as to injure or endanger his welfare or that of others; or
(g) . . . in a home for which a license is required and which any agency authorized by law to license foster homes has refused to license; or
(h) . . . placed in a home for adoption for which approval by the county court is required by section 48.63 and the county court has refused to approve the home; or
(i) . . . in the custody of a person whose petition to adopt him has been transferred to the juvenile court under section 48.95 or
(j) . . . comes within the provisions of section 48.12 but his conduct results in whole or in part from parental neglect."

Neglect Hearing

Rights:
[48.25] Jury trial if one demands it.
Right to counsel for all parties and appointed counsel if unable to employ it.

[48.47] Any aggrieved person may appeal to the circuit court of same county within 40 days of the entry of the order in juvenile court.

Procedures:
[48.25] Determined by the juvenile court judge and may be as formal or informal as he considers desirable. May be adjourned from time to time.
General public excluded; only persons with a direct interest in the case or in the work of the court admitted.
Presence of the child may be waived at any stage.
"Stenographic notes of the hearing shall be kept
Wisconsin—continued

but shall be transcribed only upon order of the court. . . ."

“Guardian ad litem. The court may appoint in any case in which it feels that such appointment is desirable.”

“Evidence—‘If there is a disputed issue of fact, the customary rules of evidence applied to issues of fact in civil trials shall be followed . . . finding of fact shall rest on the preponderance of evidence adduced under those rules. Every order shall be based on a finding of fact entered of record.”

Within one year of the court’s order, a parent, guardian, legal custodian or next friend of any child whose status has been adjudicated may petition the court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the court’s original adjudication, or disposition. “Upon a showing that such evidence does exist, the court shall order a new hearing and make such disposition . . . as the facts and the best interests of the child warrant.”

Dispositions:

May order physical and mental examination by clinical psychologist, psychiatrist or physician appointed by the court for any reason.

May informally dispose and defer further proceedings on condition that child appear with parent, guardian or legal custodian for counseling and advice.

May dismiss if facts of petition not proved.

When adjudged neglected, the court may:

(a) Place child under supervision in his own home under conditions prescribed by the court, including reasonable rules for his conduct and the conduct of his parents, guardian or legal custodian (designed for the physical, mental and moral well-being and behavior of the child); or

(b) Relieve the parent, guardian and legal custodian of legal custody and place in a foster home.

(c) Transfer legal custody of the child to one of the following:

(1) a relative; or

(2) a county agency; or
(3) a licensed child welfare agency; or
(4) the department of child welfare.

If in need of special treatment and care, the court may order parent to provide and if not, the court may order it provided.

May order support when legal custody taken.

Length & Effect:
All orders shall be for a specified length of time. Before the order expired, the court shall have continuing jurisdiction to renew or make some other disposition, either on its own motion or that of any interested party, until he reaches 18 years.

Records:
Shall not be open to inspection or disclosed except by order of the court.

Penalty for Neglect
Termination of Parental Rights (See below).

(1) For persons 18 or older found guilty of contributing to, encouraging or tending to cause any act or omission that results in neglect, court "may make orders with respect to condition of such person in his relationship to child, including... maintenance or care... directing when, how and where money for such... shall be paid."

(2) No order unless person has been given opportunity to be heard.

(3) If there has been a violation of § 947.15 (criminal code) judge shall refer record to district attorney for such criminal proceedings as may be warranted. (See Criminal Code 947.15; states: $500 fine or imprisonment not more than one year in county jail or both. If death is a consequence of the neglect, fine of $1,000 or imprisonment not more than 5 years.

Reportable Under Child Abuse Law
No.

Termination of Parental Rights
Yes—[§§ 48.40 through 48.43; last amended 1969]

Grounds:
May terminate all rights in either of the following:

(1) With the written consent of the parents..."
or

(2) If . . . one or more of the following conditions exist:

(a) . . . parents have abandoned the minor; or
(b) . . . have substantially and continuously or repeatedly refused or neglected or are unable for a prolonged indeterminate period to give the minor the parental care and protection necessary for his health, morals or well-being; or
(c) . . . although the parents are financially able, they have substantially and continuously neglected to provide . . . necessary subsistence, education or other care necessary for his health, morals and well-being or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others;
(d) . . . parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, or repeated lewd and lascivious behavior or conviction and confinement for a felony (including hospitalization within the sex deviate statutes), which conduct or status is found by the courts to be likely to be detrimental to the health, morals or the best interests of the minor; or
(e) That the parents subsequent to a finding of neglect have failed to correct the conditions leading to such finding despite reasonable efforts under directions of the court to rectify the conditions upon which such finding was based.

(3) The parental rights of parents . . . found mentally ill under chapter 51 may be terminated if grounds for termination (above) existed prior to the time of the finding of mental illness.

Procedures:
[48.42]

Termination only after a hearing before the court. Notice of the time, place and purpose shall be served on the parent, personally at least 10 days prior to date of hearing.

"(2) In the case of any minor or incompetent parent . . . shall appoint guardian ad litem. No parental rights may be terminated on consent
under section 48.40 (1) unless the guardian ad litem in writing, joins in the written consent of the parent . . .”

Disposition:
[48.43]

If one or more of the conditions exist, court may terminate parental right.

(1) If the court terminates parental rights of both parents, of the mother, if the child is illegitimate, or of the only living parent, the court shall transfer guardianship and legal custody of the minor to:

(a) A county department of public welfare . . .
(b) A child welfare agency licensed to accept guardianship . . .
(c) The department; or
(d) A suitable individual in whose home the minor has resided at least one year prior to the termination . . .”

(2) “If only one parent consents . . . or if the conditions . . . are found to exist as to only one parent, the rights of only that parent with reference to the minor may be terminated without affecting the rights of the other parent.”

Special Clauses

Neglect Section
[48.25(5)]

Guardian ad litem:
“The court may appoint . . . in any case in which it feels that such appointment is desirable.”

[48.38]

Waiver of disability:
“(1) No adjudication upon the status of any child . . . shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal . . . nor shall such disposition or evidence disqualify a child in any future civil service examination, appointment, or application.”

[48.43(4)]

Termination section
Other:
“Except as otherwise determined by the court, any guardian appointed under the provision of this chapter shall file with the court a report in writing on the status of the child at the end of six months following the date of the order appointing such guardian and on each anniversary date of such order . . .”
Wyoming

Citation


Purpose Clause

[14-21; enacted 1957]

Reporting statute.

Child Protection Act

"... to protect children from all types of abuse which jeopardize their health, welfare or morals and to impose criminal responsibility upon any person who contributes to delinquency or injury of any children."

Definitions

[115.2; last amended 1971]

"child"—individual under 18 years.

"neglected child"—"... has been physically abused or mistreated in manner or to an extent which is unreasonable and in excess of ordinary parental or custodial authority; or who has been abandoned ... without proper care and control or lacks subsistence, education, as required by law, medical care or treatment, or supervision necessary for his health and welfare because of the faults, habits, conduct, acts or omission of his parents, guardian or custodian; or whose parents, guardian, or custodian are unable to discharge their responsibility to and for the child because of incarceration, hospitalization or other physical or mental incapacity; ...

Neglect Hearing

Rights:

[15.23]

All parties right to be represented by counsel at every stage. If unable to employ counsel, the court will upon request appoint

"(b) A party ... entitled to a copy of all charges ... to confront and cross-examine adverse witnesses; to introduce evidence, present witnesses and otherwise be heard in his own behalf; and to have process issue by the court to compel the appearance of witnesses or the production of evidence.

(c) ... may demand a trial by jury at an adjudicatory hearing. ... Demand for a jury trial must be made to the court not later than ten days
after the party . . . advised of his right to a jury trial . . . Failure to demand . . . deemed a waiver . . . ."

[115.34]

"A party, including the state, may appeal from any final order, judgment or decree of the juvenile court to the supreme court." Transcript may be provided at no cost, if financially unable to buy.

Procedures:

[115.25] If jury trial is not demanded, hearing conducted by court without a jury, in an informal but orderly manner. Separate from other proceedings. County attorney presents evidence in support of the petition.

General public excluded; Child may be temporarily excluded.

[115.23] Court may appoint counsel for any party when deemed necessary.

[115.171] Guardian ad litem may be appointed for a child who is a party to proceedings if he has no parent, guardian or custodian appearing in his behalf or if the interests of the parents or a parent, guardian or custodian are adverse to the best interests of the child. A party to the proceedings or his employee or representative shall not be appointed guardian ad litem.

[115.25] If the allegations are denied, "proceedings . . . shall be recorded by the court reporter or by electronic, mechanical or other . . . means."


Dispositions:

[115.27] If court finds allegations are not established as required, it shall dismiss.

[115.30] If adjudicated neglected, the court shall enter its decree and may:
- permit child to remain in custody of his parents, guardian or custodian without protective supervision, subject to terms and conditions as prescribed by the court;
- place the child under protective supervision;
- temporarily transfer legal custody to:
  - a relative or other suitable adult, with or
Wyoming—continued

without supervision, subject to terms and conditions;
- a private child care facility, organization, institution willing and able to assume education, care and maintenance of the child;
- state or local public agency responsible for the care and placement of neglected children.

[115.20] May order mental or physical examination of child on out-patient basis or commit to a suitable facility for such.


[115.31 and 115.37] May make orders of protection, requiring a parent, guardian or custodian to restrain from any conduct forbidden by law or detrimental to the welfare of the child; to perform any legal obligation of support; to stay away from the child or his place of abode; to give proper attention to the care of the home.

Length & Effect:
[115.32] Indeterminate period. Court shall terminate and discharge whenever it appears that the purpose of the order has been achieved. All orders terminate and discharge whenever it appears that the purpose of the order has been achieved. All orders terminate when child reaches 21 years, if not sooner terminated.

Records:
[115.40] All records and information obtained, social, medical or psychological reports prepared at the request of the court, confidential and not open to inspection nor the contents disclosed to any other than an officer of the court or a party to the action, except by written order of the court.

[115.42] “Any person . . . adjudicated . . . neglected . . . may, upon becoming an adult, petition the court for the expungement of his record. . . .”

Penalty For Neglect

No.

Reportable Under Child Abuse Law

Yes—[§§ 14-28.7 through 14-28.13; a separate chapter, last amended 1971.]
Abuse defined as . . . "any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive, or any case in which death occurs, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of condition or death, or circumstances indicate that such condition or death, may not be the product of an accidental occurrence."

(See DEFINITION—"neglect" which includes abuse.)

Nature of Report: Mandatory; Accusatory; for under the age of 18.

Immunity: "Anyone acting in good faith in the making of a report pursuant to the requirements of this act, or performing their official duties in response to such report, or participating in a judicial proceeding resulting, therefrom, shall in so doing be immune from any liability, civil or criminal, that might otherwise be incurred or imposed."

Waivers: Physician-Patient; Husband-Wife.

Penalty: No.

Central Registry: "There shall be established in the state Department of Health and Social Services, Division of Public Assistance and Social Services, a central registry for maintaining a record of each case of child abuse . . . Each country office of the department shall report all cases . . . to the central registry. . . ."

Termination of Parental Rights: Yes—[§§ 14-53 through 14-58; separate chapter enacted 1955]

Grounds: "Whenever it shall appear to any district court . . . any parent, including the mother of a child born out of wedlock, has abandoned such child, or failed without just cause for one year or more to support and maintain any child under the age of 18; or that
any parent is unfit by reason of his or her abuse or neglect of any such child. . . .

. . . abandonment means conduct on the part of the parent which evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child;"

Procedures:

"Any parent who is under the age of 21 years . . . shall have his interests represented by a guardian appointed by the court."

[14-55] Any parent, child or interested person may demand a jury trial. Rules of Civil Procedure of Wyoming apply. After hearing, court may transfer the permanent care, control and custody to some other person, agency, institution and may terminate all rights of both or one parent.

[14-56] Upon conclusion of hearing, if the court determines that it is for the best interest of the child that the rights of his parents be terminated, the courts shall . . . appoint a suitable person to serve as guardian. . . ."

Disposition:

[14-58] "Every such order shall be conclusive and binding on all persons and in all proceedings from the date of entry thereof."

Special Clauses

Neglect Section

Guardian ad litem:

"The court may appoint a . . . for a child who is a party to proceedings under this act [§§ 14-115.1 to 14-115.44] if he has no parent, guardian or custodian appearing in his behalf, or if the interests of the parents or a parent, guardian or custodian are adverse to the best interests of the child. A party to the proceeding or his employee or representative shall be appointed. . . ."

Spiritual Healing Exemption:

". . . no child who in good faith is under treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner, thereof, shall for that
reason alone be considered to be a neglected child."

Preference in Placement:
Religious faith of the parents, or if a difference, then of the child or if not ascertainable, then of the faith of either parent shall be considered and observed in placements or awards of custody.

Waiver of Disability:
"all proceedings . . . regarded as . . . in equity . . . No order or decree entered pursuant to this act shall be deemed a conviction of a crime or impose any civil disabilities, nor . . . operate to disqualify the child from any civil or military service application or appointment, or from holding public office."

Termination Chapter
Other:
"Provided, however, that any stipulation or agreement in writing, signed by the husband and/or wife or his, her or their attorneys, relating to the custody of the minor child or children of the party or parties or support money for said minor child or children made in any action for divorce or separate maintenance, shall not by the terms alone of said stipulation or agreement be considered abandonment."
GUAM

CITATIONS


PURPOSE CLAUSE

[278; last amended 1967]

Civil—Neglect Section

"This title shall be liberally construed to the end that each child coming within the jurisdiction of the court shall receive such care, guidance and control, preferably in his own home as will conduce to the child's welfare and the best interests of the territory and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given to him by them."

DEFINITIONS

[251; 252; last amended 1953]

"child" or "minor"—person less than 18 years of age.

No statutory definition of "neglected child."

Juvenile court given jurisdiction:

"(a) Concerning any child living or found within the Territory of Guam:

(1) Who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological or other care necessary for his well-being, or who is abandoned by his parent or other custodian;

(2) Whose occupation, behavior, condition, environment or associations are such as to injure or endanger his welfare or that of others; . . . ."

NEGLECT HEARING

Rights:

[262]

All parties may be represented by counsel; if unable to afford counsel, court will assign, if so informed. Any child may be represented by legal counsel and on request of the court the Attorney General may take part in any hearing.

[272]

Appeals—One may apply to the District Court of Guam for the allowance of an appeal and the court may allow an appeal whenever in its opinion an order or decree ought to be reviewed. Pendency of an appeal does not suspend an order of the court.
Procedures:
[262] All cases of children shall be dealt with at separate hearings and without a jury.

Hearings informal and may be adjourned from time to time. Stenographic notes or other transcript shall be required only if the court orders.

General public shall be excluded and only persons admitted as the judge finds have a direct interest in the case or the work of the court.

Presence of the child may be waived at any stage.

Disposition:
[256] Court may informally adjust the matter prior to a petition.

Judge may order the child taken into custody if it appears the child is in such conditions or surroundings that his welfare requires it.

When a child is found to come within the provisions of Section 252 of this Title, the court shall so decree, and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction.

Upon such decree the court may:
(a) Place the child on probation or under supervision in his own home or in the care of a suitable person elsewhere, upon such conditions as the court shall determine. "Probation shall mean casework services during a continuance of the case . . . shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family."

(b) Commit to the custody or guardianship of a public or private institution or agency authorized to care for children or to place them in foster care, or under the guardianship of a suitable person. Such commitment shall be for an indeterminate period, but in no event shall continue beyond the child's 21st birthday.

(c) May cause any child to be examined or treated by a physician, psychologist or psychiatrist in a hospital or other suitable facility.

(d) Order such care and treatment as the court may deem best . . . may require the parents or
Guam—continued  

other persons having custody of the child, or any other person who has been found to be encouraging, causing or contributing to the dependency and neglect to do or omit to do any acts required or forbidden by law. Failure to comply may be contempt of court.

(e) Court may dismiss or otherwise terminate.

[265] Court may order support for a child in the custody of another.

[268] Court may order termination of parental rights.  

Length & Effect:  

[254] Jurisdiction of the court may continue until child becomes 18 years of age.

Records:  

No specific provisions.

Penalty for Neglect  

[270] For omitting to provide child necessities $1,000 fine; 1 year in jail or both.

[271] For desertion of a child under 14 years, $500 fine; 1 year in jail or both.

[271a] For refusing to provide when able, or for abandoning a child under 14 years, $500 fine; 1 year in jail or both.

[273a] "Any person who commits any act or omits the performance of any duty, which . . . causes or tends to cause or encourage a child to become in need of the care and protection of the Juvenile Court . . . guilty of misdemeanor, may be tried for such offense in the Juvenile Court and upon conviction may be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or by both."

Reportable Under Child Abuse Law  

Yes—[Guam Penal Code § 273d; last amended 1970.]

". . . having reason to believe that such child has had serious injury or injuries inflicted upon him or her as a result of abuse or neglect. . . ."

Nature of Report:  

Mandatory; accusatory; for child under the age of 18.
Part IV: Digests of Neglect Laws

**Immunity:** From criminal and civil liability if reported in good faith.

**Waivers:** Physician-patient.

**Penalty:** Failure to report constitutes a misdemeanor.

**Central Registry:** No.

**Termination of Parental Rights**

Yes—[Code of Civ. Pro. § 268; as enacted 1953.]

**Grounds:**

(a) "Whenever in the course of a proceeding instituted under Section 256 . . . it shall appear . . . parents or the surviving parent of a child, or the mother of a child born out-of-wedlock, having abandoned such . . . for 1 year or more or have substantially and continuously or repeatedly refused, or being financially able have neglected to give such child parental care and protection; or that such parent or parents are unfit by reason of their conduct or condition which is seriously detrimental to the . . . child, . . . ."

**Rights & Procedures:**

". . . the court shall have jurisdiction to transfer the permanent care, control and custody of such child to some other person, agency or institution, and may terminate all rights of such parent or parents with reference to such child, and also may appoint a guardian for the person. . . . Such transfer or termination shall be made only after hearing before the court, and the court shall cause notice of the time, place and purpose of such hearing to be served on such . . . personally at least ten days prior to the date of hearing. . . ."

(b) If a child is abandoned or neglected by one parent the rights of only such parent . . . may be terminated . . . without affecting the rights of the other parent.

(c) Upon the application of the parents or the surviving parent of a child or mother of a child born out-of-wedlock, the court may order the transfer of the permanent custody . . . and if it appears wise, the termination of all rights . . . provided the court after a hearing finds such
Guam—continued

transfer of termination to be in the best interest of the child.”

Effect:

(d) “Every order of . . . transfer . . . permanent custody or termination . . . shall be in writing and . . . recite the jurisdictional facts . . . conclusive and binding on all persons in all proceedings after date of entry thereof.”

SPECIAL CLAUSES

Civil—Neglect Section

Preference in placement:

“. . . whenever practicable select a person or an agency or institution governed by persons of the same religious faith as that of the parent of the . . . child”—in the case of differences, of the religious faith of the child.”

Waiver of disability:

“No adjudication by the court of the status of any child . . . deemed a conviction, nor . . . operate to impose any of the civil disabilities ordinarily resulting from conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication, . . . nor . . . charged with crime or convicted in any court except as provided in Section 255 . . . disposition . . . or any evidence given . . . shall not operate to disqualify the child in any civil service or military application or appointment.”
Citation


Purpose Clause

No.

Definitions

[2001]

“child” . . . a person under 18 years of age . . .

No statutory definition of “neglected child,” but the jurisdictional clause states:

(1) Any child:

(a) Whose parents or other persons legally responsible for his care and support, being able to do so, have willfully or negligently failed to provide the care, education, or protection prescribed by law for his welfare.

(5) The parents or other persons responsible for or who have contributed to the neglect of a child; . . . .

[2002 last amended 1969]

Neglect Hearing

Rights:

[tit. 34, app. I R 8 3]

[2014]

Right to appointed counsel.

“Appeal may be taken to the Supreme Court of Puerto Rico from the final order or resolution entered by the Judge . . . The appeal may be taken on behalf of the child by his father, tutor, caretaker, interested friend or by the department or agency in charge of his custody. . . .”

Procedures:

[2006]

“The Supreme Court shall adopt rules to govern the proceedings. . . .”

[2005]

“The Judge shall order the probation officer for juveniles and the social workers, assigned to the court to make the investigations required in order that the Judge may determine whether the interests of the community or of the child justify his intervention and, in cases where a complaint has been filed, they shall prepare a report of the social conditions of the child and of his family . . . to expedite the disposition of the case. . . .”

[2009]

“All cases of children . . . shall be aired informally and separately from adult cases. The public shall
be excluded from the courtroom . . . unless the parents, caretakers, or other legal representative of the minor shall demand that the case be aired publicly, and in any event, it shall be under rules prescribed by the Judge."

"If the judge shall find that the conditions or behavior the child brings him under the provision of section 2002 . . . he may enter an order:

(1) Directing that the child be, for the sole purposes of diagnosis, submitted to examination by a physician, psychiatrist, or psychologist, and to that effect he may place him in a hospital or other suitable institution; . . . 

3. Placing the child on probation in the home of his parents or of any other suitable person, under the custody or supervision of the former or of the latter; or

4. Placing the child under the custody of the Secretary of Health for commitment to an institution suitable for the treatment of children, or for his placement in a foster home; or he may provide the manner of the treatment, without the need of committing the minor; . . . or

5. Placing the child under the custody of a suitable private organization or institution . . . ."

May investigate the economic condition of the parents or custodian and order that they pay a reasonable sum for treatment.

Judge may at any time modify an order.

Court shall retain authority over child until 21 years of age, unless Court upon order waives its authority over the minor after reaching 16 years and before attaining 21 years of age.

"The records of children(s) cases shall be kept separate from the records of adult cases and shall not be subject to public inspection."

Yes.

Causing or contributing to the neglect of a child—a misdemeanor and:

". . . upon conviction, the indicted shall pay the costs of the proceedings and shall be punished by a
fine not exceeding one hundred (100) dollars or by
imprisonment in the district jail for a maximum
term of thirty (30) days, or by both penalties; . . .
if the act . . . constitutes a felony, the Court shall
serve notice thereof on the Secretary of Justice for
proper action. The court shall have discretionary
power to revoke or stay the effects of a sentence im-
posed to an adult in misdemeanor cases. . . ."

**REPORTABLE UNDER**

**Child Abuse Law**

No.

**Termination of Parental Rights**

No.

**Special Clauses**

Neglect Section

**Guardian ad litem:**

"If in any case before the court the interested
minor is an orphan and has no guardian or custo-
dian to represent him, or whenever it is deemed
necessary, the judge shall appoint a guardian ad
litem."

**Waiver of disability:**

"No proceeding, order or resolution of the Judge
regarding a child . . . shall be deemed to be of a
criminal nature, neither shall it entail the loss of
civil rights resulting from a conviction, nor shall
said child be, by virtue of such order or resolution,
considered as a criminal or a convict, nor shall he
be indicted or sentenced in the Court . . . No pro-
ceeding, order or resolution of the Judge, nor the
evidence presented during the discussion of the
case, shall constitute a bar to any application for
employment or appointment to any office or posi-
tion within the public service."

**Other:**

"Oral allegations at the hearings . . . shall be
taken in shorthand. The notebooks . . . shall re-
main under the custody of the clerk of the court
and the latter shall not permit anyone to examine
them without the previous authorization of the
judge. The stenographer shall transcribe the notes
that he has taken only when he is so ordered by the
Judge."
Puerto Rico—continued

"The clerk of the court shall keep a book of minutes and . . . make a brief report of the proceedings in each case. . . . This book is strictly confidential and shall always remain under the clerk's custody."
VIRGIN ISLANDS

CITATIONS

PURPOSE CLAUSES
[2513 last amended 1965]
"This chapter . . . shall be liberally construed . . . each child . . . shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the Territory, and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them."

DEFINITIONS
No definition of "neglected child," but see jurisdiction clause.
[172 last amended 1971]
". . . municipal court shall have jurisdiction in proceedings; concerning any child under 18 years of age living or found within the judicial division . . .
(a) who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological or other care necessary for his well-being, or who is abandoned by his parent . . .
(b) whose occupation, behavior, condition, environment, or associations are such as to injure or endanger his welfare or that of others. . . ."

NEGLECT HEARING

Rights:
No specific provisions.

Procedures:
[2505]
"All cases of children shall be dealt with by the court at separate hearings and without a jury. The hearings shall be conducted in an informal manner, . . . and the general public shall be excluded . . . The presence of the child in court may be waived by the court at any stage of the proceedings . . . ."

[2511]
(a) "The court shall make and keep records of all cases brought before it under this chapter and shall devise and cause to be printed such forms for social and legal records and such other
**Virgin Islands—continued**

**Dispositions:**

[2502] "... the court may make such informal adjustment as is practicable without a complaint, or may authorize a complaint to be filed by any person ..."

[2506] "... The court may ...

(1) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court shall determine.

(2) Commit the child to the custody or guardianship of a public or private institution or agency authorized to care for children or to place them in family homes, or under the guardianship of a suitable person. Such commitment shall be for an indeterminate period but in no event shall continue beyond the child's twenty-first birthday.

(3) Order such other care and treatment as the court may deem best. The court may cause any child concerning whom a complaint has been filed to be examined or treated by a physician and for such purposes may place the child in a hospital or other suitable facility. The court may dismiss the complaint or otherwise terminate its jurisdiction at any time."

[2508] "Whenever a child is committed by the court to custody other than that of his parents, or is given medical, psychological or psychiatric treatment under order of the court, The court may, order and decree that such parent shall pay in such manner as the court may direct, such sum, within his ability to pay, as will cover in whole or in part the support and treatment of such child."

**Records:**

[2511(b)] (b) "The court's official records under this chapter shall be open to inspection only by consent of the judge to persons having a legitimate interest therein."

**Penalty for Neglect**

Yes—Criminal Code

[14-481] "Whoever commits any act or omits the performance of any duty, which act or omission causes a child under the age of 18 to become in need of the care and protection of the juvenile and domestic relations division of a municipal court shall..."
be fined not more than $500 or imprisonment not more than 1 year, or both."

Reportable Under Child Abuse Law  
No.  
Only abuse reported.

Termination of Parental Rights  
Yes—[$2500; last amended 1965.]  

Grounds:  
“(a) Whenever . . . it shall appear to the court that the parents or the surviving parent of a child, or the mother of a child born out-of-wedlock, have abandoned such child for one year or more or have substantially and continuously or repeatedly refused, or being financially able have neglected, to give such child parental care and protection; or that such parent or parents are unfit . . . .”

Procedures:  
“The court shall have jurisdiction to transfer the permanent care, control and custody of such child to some other person, agency, or institution, and may terminate all rights of such person or parents with reference to such child. . . . Such transfer or termination shall be made only after a hearing before the court, and the court shall cause notice of the time, place and purposes of such hearing to be served on such parent. . . .”

(b) If a child is abandoned or neglected by one parent the rights of only such parent . . . may be terminated . . . without affecting the rights of the other parent . . . .”

(c) Upon application of the parents . . . the court may order the transfer of the permanent care, control and custody of such child, and if it appears wise, the termination of all rights of a parent or parents with reference to such child, provided the court . . . finds such transfer or termination to be in the best interests of the child . . .

(d) Every order . . . terminating the rights of the parents or of a parent . . . shall be conclusive and binding on all persons and all proceedings after one year from the date of entry thereof.”
Virgin Islands—continued

SPECIAL CLAUSES

Neglect Section

Preference in placement:
“In placing a child under the guardianship or custody of an individual or of a private agency or institution . . . the court shall whenever practicable select a person or an agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertainable, then of the faith of either of the parents.”

Waiver of disability:
“. . . No adjudication by the court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction . . . The disposition made of a child, or any evidence given in the court, shall not operate to disqualify the child in any future civil service application or appointment.”
Appendix A

1. Neglect Statutes


ALAS. STAT. §§ 47.10.010—47.10.142 (1971).


DEL. CODE ANN. tit. 10, § 901 et seq. (Rev. 1974).


MD. ANN. CODE § 3-801 et seq. (1974).


OHIO REV. CODE ANN. §§ 2151.01-2151.99 (Baldwin 1974).


TEX. FAM. CODE ANN. § 11.01 et seq. (1975).


2. Reporting Statutes That Include Neglect


ALAS. STAT. §§ 47.17.010-47.17.070 (1971).


DEL. CODE ANN. tit. 11, § 1001 et seq. (Rev. 1974).


3. Termination of Parental Rights Statutes


KAN. STAT. ANN. §§ 38-824(c) (1973).
MO. REV. STAT. §§ 211.441—211.511 (1962).
OHIO REV. CODE ANN. § 2151.353 (Baldwin 1974).
ORE. REV. STAT. §§ 419.523—419.527 (1973 Repl. Pt.).
R.I. GEN. LAWS ANN. §§ 15-7-6—15-7-21 (Supp. 1974).
TEX. FAM. CODE ANN. §§ 15.01—15.07 (1975).
V.I. CODE ANN. tit. 5, § 2509 (Rev. 1967).
Appendix B
Selected Bibliography

I. Books


II. Law Journal Articles, Comments and Notes

Appendix B: Selected Bibliography

_______. Parens Patriae and Statutory Vagueness in the Juvenile Court. 82 Yale L. J. 745 (1973).
_______. Post-commitment Custody of Neglected Children. 4 Conn. L. Rev. 143 (1971).


Note. Emotional Neglect in Connecticut. 5 Conn. L. Rev. 100 (1972).

_____. Factors in Determining Child Custody in Iowa. 8 Idaho L. Rev. 345 (1972).


_____. Paternal Custody of Minor Children in Idaho. 8 Idaho L. Rev. 345 (1972).

_____. Prisoner-Mother and Her Child. 1 Capital U.L. Rev. 127 (1972).


_____. State versus McMaster (Ore. 486 P.2d 567); Due Process in Termination of Parental Rights. 8 Williamette L. J. 284 (1972).


Appendix B: Selected Bibliography

III. Related Articles From Social Science Journals


D'Agostino. Dysfunctioning Families and Child Abuse: The Need for an Interagency Effort. 30 PUBLIC WELFARE 14-17 (1972).


Gil, T. The Legal Nature of Neglect. 6 NAT'L PROBATION & PAROLE ASS'N J. 1-16 (1960).

Family Law Quarterly


Paulson and Blake. The Abused, Battered and Maltreated Child: A Review. 9 TRAUMA 1-3 (1967).

Polansky et al. Two Modes of Maternal Immaturity and Their Consequences. 49 CHILD WELFARE 312-23 (1970).

———. Neglect in a Rural Community. 49 SOC. CASEWORK 467-74 (1968).


