



APSAC Research-to-Practice Brief

Title: What is Neglect? State Legal Definitions in the U.S.

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Introduction:

This study seeks to better understand state legal definitions of neglect by comparing them both to one another and to the definitions specified the Fourth National Incidence Survey (NIS-4). The author examined each legal definition for nine types of physical neglect (medical care delay or failure, inadequate nutrition, inadequate supervision, abandonment/refusal of custody, inadequate shelter, inadequate clothing, illegal transfer of custody, other refusal of custody, inadequate personal hygiene), two types of educational neglect (failure to register/enroll, permitted chronic truancy), ten types of emotional neglect (exposure to maladaptive environments, refusal to seek care for emotional problem, refusal to provide care for emotional problem, knowingly permitting substance abuse, domestic violence, inadequate nurturance/affection, knowingly permitting maladaptive behavior, overprotectiveness, inadequate structure, inappropriate advanced expectations), three types of exclusions (general religious exemption, specific religious exemption, and involuntary neglect), and four categories from literature (threat of harm enough, child-focused definition, substance exposed infant, exposure to drug activity). Content analysis was used and the presence or absence of each dimension for each type of abuse was noted.

Research Questions:

Rather than declaring a hypothesis for this study, the author puts forth two research questions: 1) What aspects of the NIS-4 definitions of neglect will appear in the state legal definitions of neglect? 2) Can states be grouped by what is and is not included in their definitions of neglect?

Findings:

After coding the contents of each states definition, the author sorted states into one of three clusters based on the number of the dimensions for each type of neglect contained in the statute and the similarity of those aspects with other states. Analysis resulted in three clusters.

The *Minimalist Cluster* contained 15 states and had an average of 5.4 definitional aspects. The most common definitional aspects for these states were lack of supervision, lack of medical care, and abandonment. 80% of these states required actual harm to have been done before the maltreatment met the legal threshold for neglect. 80% of these states included a general religious exemption, while only 13% offered an involuntary neglect exemption.



The *Cornerstones Cluster* contained 31 states, all of which included lack of medical care and inadequate food and shelter in their definitions of neglect. Other commonly shared definitional aspects included inadequate clothing, inadequate supervision, and abandonment. 87% of states in this cluster determined threat of harm to be sufficient to meet the legal threshold for neglect. 61% of these states contain a religious exemption and 52% contain an exemption for involuntary neglect.

Five states belong to what the author calls the *Expanded Definitions Cluster*. These states had legal definitions most likely to be child focused (60%) and to indicate *threat* of harm as sufficient to be deemed neglect (80%). This cluster showed the highest level of certain emotional neglect definitional aspects, with 80% of these states including failure to seek treatment for an emotional problem in their definitions of neglect and 40% including knowingly permitting substance abuse. This cluster also had the highest percentage of states including exposure to drug activity in their definitions of neglect at 60%.

Recommendation:

The author notes that these definitions provide a window into the level of discretion state-level officials have when intervening in potential maltreatment cases. For example, a state that requires actual harm to meet the threshold for neglect may miss an opportunity for preventative services when threat of harm is detected. Furthermore, states lacking the involuntary neglect exemption will prevent child protection workers from considering the full family, community, and social environment when making a determination about a given family. States in the *Cornerstones Cluster* offer more discretion but lack the child-focused definitional aspect that allows child protection workers to focus on the effects on the child rather than the behavior of the parent when identifying neglect, an approach that has gained popularity among neglect researchers.

The author also notes that the way states define neglect may determine the financial resources available for treatment. As such, expanding legal definitions of neglect may also expand the number and diversity of resources child protection workers can offer families to treat and prevent neglect.

Bottom Line

Many states use legal definitions of neglect that lack the full range of physical, educational, and emotional definitional aspects studied in the NIS-4. Some states' definitions lag far behind best practices for understanding and treating neglect, such as setting the threshold for neglect at threat of harm or including an exemption for involuntary neglect.

The author notes the importance of legal definitions of neglect that align with the needs of children and families, as legislation generally determines funding priorities. For example, the passage of the Families First Prevention Services Act passed in early 2018 will likely increase states focus on the impact of substance abuse, given the new provision enabling states to use IV-E funds for substance abuse treatment to prevent children from entering foster care. Professionals wishing to reduce neglect in their states should assess how an amendment to their current definition of neglect could bring funds to the programs and services families need most.



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In addition to contributing to the body of research on how states define neglect, this article can serve as a practical resource to state leaders interested in comparing their state's definition of neglect with both the NIS-4 and other states, potentially offering a blueprint for amending or expanding their state's definition to better align with current neglect research. Updating a state's definition of neglect may offer new resources and pathways to improve practice around the treatment, intervention, and prevention of neglect.

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About the Research-to-Practice Brief Author

Bri Stormer, MSW, is Manager of Publications and Special Projects for APSAC, where she staffs APSAC's publications, state chapters, and student and young professional division (YAPSAC). Bri earned her Bachelor of Arts in Psychology and Theatre from Case Western Reserve University and her Master's in Social Work with a concentration in Community Organizing, Planning, and Administration from University of Southern California.