



**District of Columbia Laws Regarding Abuse, Endangerment, and Neglect**

By Faiza Chappell and Leslye E. Orloff      October 12, 2018

<b>Child Abuse</b>	<p><b>Physical Abuse</b> – D.C. Code Ann. § 16-2301</p> <ul style="list-style-type: none"> <li>• Infliction of physical injury: bodily harm greater than transient pain or minor temporary marks</li> <li>• Burning, biting, cutting, striking, shaking, kicking, throwing, interfering with breathing threatening with a dangerous weapon, using weapons on child, non-accidental injury to child under 18 months</li> </ul>
	<p><b>Neglect included in abuse statute</b> – D.C. Code Ann. § 16-2301</p> <ul style="list-style-type: none"> <li>• Failure to provide adequate food, clothing, shelter, medical care (includes medical neglect)</li> </ul>
	<p><b>Sexual Abuse/ Exploitation</b> – D.C. Code Ann. § 16-2301</p> <ul style="list-style-type: none"> <li>• Engaging in or attempting to engage in sexual act or sexual contact with child, causing child to engage in sexually explicit conduct, exposing to sexually explicit conduct including: sexual act, sexual contact, bestiality, masturbation, or lascivious exhibition of genitals/ anus/ pubic area</li> </ul>
	<p><b>Emotional Abuse</b> – D.C. Code Ann. § 16-2301</p> <ul style="list-style-type: none"> <li>• Mental injury: harm to psychological/ intellectual functioning, exhibited by severe anxiety, depression, withdrawal, or outwardly aggressive behavior, or a combination of those behaviors (demonstrated by change in behavior/ emotional response/ cognition)</li> </ul>
	<p><b>Domestic Violence as Child Abuse</b> – D.C. Code Ann. § 4-551</p> <ul style="list-style-type: none"> <li>• “Domestic violence” means a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member.</li> <li>• The term “domestic violence” includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone</li> </ul>
<b>Abandonment</b>	<p><b>Proceedings Regarding Delinquency, Neglect, or Need of Supervision</b> – D.C. Code § 16-2301</p> <ul style="list-style-type: none"> <li>• Parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child.</li> </ul>



**Child Neglect**

**Proceedings Regarding Delinquency, Neglect, or Need of Supervision – D.C. Code § 16-2301**

“neglected child” means a child:

- Who has been abandoned or abused by his or her parent, guardian, or custodian, or whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child. For the purposes of this sub-subparagraph, the term “reasonable efforts” includes filing a petition for civil protection from intra-family violence pursuant to section 16-1003;
- who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian;
- whose parent, guardian, or custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;
- whose parent, guardian, or custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution which is providing for the child states an intention to discontinue such care;
- who is in imminent danger of being abused and another child living in the same household or under the care of the same parent, guardian, or custodian has been abused;
- who has received negligent treatment or maltreatment from his or her parent, guardian, or custodian;
- who has resided in a hospital located in the District of Columbia for at least 10 calendar days following the birth of the child, despite a medical determination that the child is ready for discharge from the hospital, and the parent, guardian, or custodian of the child has not taken any action or made any effort to maintain a parental, guardianship, or custodial relationship or contact with the child;
- who is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth;
- in whose body there is a controlled substance as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian; or
- who is regularly exposed to illegal drug-related activity in the home



Parent-Child Relationship Covered by the Domestic Violence State Statute

Text Defining Relationships Covered By State Domestic Violence Statutes

Public Care Systems- Domestic Violence Hotline- D.C. Code Ann. § 4-551

(1) "Domestic violence" means a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner, dating partner, or family member.

Judiciary and Judicial Procedure- Intrafamily Proceedings Generally- D.C. Code Ann. § 16-1001

(9) "Intrafamily violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

Text of Statute Covering Acts That Constitute Child Abuse

Public Care Systems- Domestic Violence Hotline- D.C. Code Ann. § 4-551

The term "domestic violence" includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone

Domestic Violence Protection Order Statutes

Judiciary and Judicial Procedure- Petition for Civil Protection- D.C. Code Ann. § 16-1003

(a) A petitioner, or a person authorized by this section to act on petitioner's behalf, may file a petition for civil protection in the Domestic Violence Unit against a respondent who has allegedly committed or threatened to commit one or more criminal offenses against the petitioner; provided, that:

- (1) If the petitioner is a minor, the petitioner's parent, guardian, custodian, or other appropriate adult may file for civil protection on the petitioner's behalf;
(2) A minor who is 16 years of age or older may file a petition for civil protection on his or her own behalf;
(3) A minor who is at least 12 but less than 16 years of age and a victim of intimate partner violence may file a petition for civil protection and participate in a hearing to seek a temporary protection order



	<p>without a parent, guardian, custodian, or other appropriate adult acting on his or her behalf, but, under these circumstances, the court may appoint an attorney for the minor in accordance with section 16-1005(a-1)(3), if necessary, and if doing so will not unduly delay the issuance or denial of a temporary protection order;</p> <p>(4) A minor who is at least 12 but less than 16 years of age and a victim of interpersonal or intrafamily violence may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf;</p> <p>(5) A minor who is less than 12 years of age may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf; and</p> <p>(6) A custodial parent, guardian, or custodian of a minor may not file a petition for civil protection against the minor.</p>
<p><b>Child Endangerment</b></p>	<p><b>D.C. does not have a specific child endangerment statute. D.C. has a crime of cruelty to children.</b>  <b>Definition and penalty - D.C. Code Ann. § 22-1101</b></p> <p>(a) A person commits the crime of cruelty to children in the first degree if that person intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child under 18 years of age or engages in conduct, which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.</p> <p>(b) A person commits the crime of cruelty to children in the second degree if that person intentionally, knowingly, or recklessly:</p> <p>(1) Maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or</p> <p>(2) Exposes a child, or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.</p>
<p><b>Best Interests of the Child</b></p>	<p><b>Factors determining “Best interests” of the child in custody cases - D. C. Code Section 16-914</b></p> <ul style="list-style-type: none"> <li>• wishes of the child, where practicable</li> <li>• wishes of the parents</li> <li>• interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may affect the child’s best interest</li> <li>• adjustment to home, school, and community</li> <li>• mental and physical health of all individuals involved</li> <li>• evidence of an intra-family offense as defined under state law</li> <li>• capacity of the parents to communicate and reach shared decisions affecting the child’s welfare</li> <li>• willingness of the parents to share custody</li> <li>• prior involvement of each parent in the child’s life</li> </ul>



- potential disruption of the child’s social and school life
- distance between the parental homes
- demands of parents’ jobs
- age and number of children
- sincerity of each parent’s request
- parent’s ability to financially support a joint custody arrangement
- impact on assistance for needy families

**Factors determining “Best interest” of the child in custody cases with a third party - D. C. Code Section 16-831.08**

- child’s need for continuity of care and caretakers and for timely integration into a stable and permanent home, considering the differences in the development
- physical, mental, and emotional health of all individuals and physical, mental and emotional needs of the child
- quality of interaction and interrelationship of the child with others
- child’s opinion