



Virginia Laws Regarding Abuse, Endangerment, and Neglect

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Child Abuse	<p>Physical Abuse – Va. Code Ann. § 63.2-100</p> <ul style="list-style-type: none"> • Creating, inflicting, allowing, or threatening to inflict non-accidental physical injury • Creating substantial risk of death, disfigurement, or impairment of bodily function, including during the manufacture or sale of unlawful substances
	<p>Neglect included in abuse statute – Va. Code Ann. § 63.2-100</p> <ul style="list-style-type: none"> • Failing to provide care necessary for health
	<p>Sexual Abuse/ Exploitation – Va. Code Ann. § 63.2-100</p> <ul style="list-style-type: none"> • Committing or allowing acts of sexual exploitation, or any illegal sexual act • Creating a substantial risk of physical or mental injury by knowingly leaving child alone with a sex offender • Sex trafficking
	<p>Emotional Abuse – Va. Code Ann. § 63.2-100</p> <ul style="list-style-type: none"> • Creating, inflicting, allowing, or threatening to inflict non-accidental mental injury • Creating substantial risk of impairment of mental function
	<p>Domestic Violence as Child Abuse – Va. Code Ann. § 16.1-228</p> <ul style="list-style-type: none"> • "Abused or neglected child" means any child: Whose parents or other person responsible for his care abandons the child • "Family or household member" means: (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person; (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person
Abandonment	<p>Juvenile Courts - Va. Code Ann. § 16.1-228</p> <ul style="list-style-type: none"> • When used in this chapter, unless the context otherwise requires: "Abused or neglected child" means any child: Whose parents or other person responsible for his care abandons the child <p>Juvenile and Domestic Relations District Courts - Va. Code Ann. § 16.1-283</p>



	<ul style="list-style-type: none"> • The child was abandoned under such circumstances that either the identity or the whereabouts of the parent or parents cannot be determined; and • The child's parent or parents, guardian or relatives have not come forward to identify such child and claim a relationship to the child within three months following the issuance of an order by the court placing the child in foster care; and • Diligent efforts have been made to locate the child's parent or parents without avail.
<p>Child Neglect</p>	<p>Juvenile and domestic relations district courts - Va. Code Ann. § 63.2-100</p> <p>“Abused or neglected child” means any child:</p> <ul style="list-style-type: none"> • Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248; • Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, 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 shall for that reason alone be considered to be an abused or neglected child; • Whose parents or other person responsible for his care abandons such child; • Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law; • Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; • Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense



	<p>against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or</p> <ul style="list-style-type: none"> Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.
<p>Parent-Child Relationship Covered by the Domestic Violence State Statute</p>	<p>Text Defining Relationships Covered By State Domestic Violence Statutes</p> <p>Courts Not of Record- Juvenile and Domestic Relations District Courts- Va. Code Ann. § 16.1-228 “Family or household member” means</p> <ul style="list-style-type: none"> (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person. <p>Text of Statute Covering Acts That Constitute Child Abuse</p> <p>Courts Not of Record- Juvenile and Domestic Relations District Courts- Va. Code Ann. § 16.1-228 “Family abuse” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.</p>



	<p>Domestic Violence Protection Order Statutes</p> <p>Courts Not of Record- Juvenile and Domestic Relations District Courts- Immediate Custody- Preliminary Protective Orders in Cases of Family Abuse- Va. Code Ann. § 16.1-253.1</p> <p>A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner.</p>
<p>Child Endangerment</p>	<p><i>Virginia’s endangerment statute does not pertain specifically to children.</i></p>
<p>Best Interests of the Child</p>	<p>Factors determining “Best interests” of the child in a custody dispute - Va. Code Ann. 20.124-3 (2017)</p> <ul style="list-style-type: none"> • age and physical and mental condition of each parent • age and physical and mental condition of the child • history of family abuse or sexual abuse • needs of the child, including relationships with siblings, peers and extended family members • parent’s active support of the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child • reasonable preference of the child (if of reasonable intelligence, understanding, age and experience) • relationship existing between each parent and each child, including positive involvement with the child's life, and ability to accurately assess and meet the emotional, intellectual and physical needs of the child • ability and willingness to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child • role that each parent has played and will play in the future, in the upbringing and care of the child • other relevant factors <p>Factors determining “Best interests” of the child in an adoption dispute - Va. Code Ann. 63.2-1205 (2017)</p> <ul style="list-style-type: none"> • parent's efforts to obtain or maintain custody of child • whether parent's are willing and able to assume full custody of child • whether parent's efforts to assert parental rights were thwarted by others



	<ul style="list-style-type: none">• parent's ability to care for the child• age of child• quality of relationship between parent and child and any other minor children• suitability of child's present custodial environment• effect of a change of physical custody on the child
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