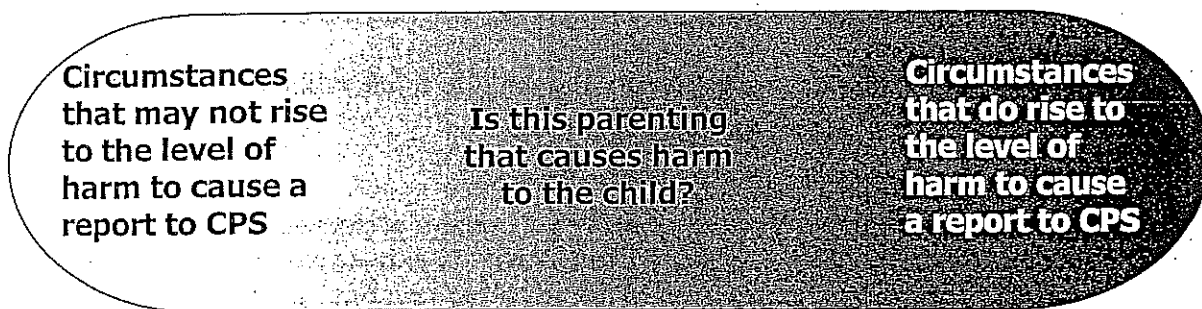


# When does harm to a child rise to the level of child abuse and neglect?

C.R.S. §19-1-103 defines "child abuse or neglect" for Colorado. In summary, child abuse or neglect means an act or omission that threatens the health or welfare of a child, including:

- ♦ Child exhibits evidence of physical injury not of an accidental occurrence.
- ♦ Child is subjected to unlawful sexual behavior. #
- ♦ The child's caregiver fails to provide adequate food, clothing, shelter, medical care, or supervision.
- ♦ Child is subjected to emotional abuse, an identifiable and substantial impairment or risk of impairment of the child's intellectual or psychological functioning or development.
- ♦ Any case in which, on the premises where a child is found, or where a child resides, a controlled substance is manufactured or attempted to be manufactured.
- ♦ Child tests positive at birth for a controlled substance unless the mother's intake of such substance was lawful as prescribed.

## Guideline for determining if parental behaviors create harm or threat of harm that rises to the level of child abuse/neglect:

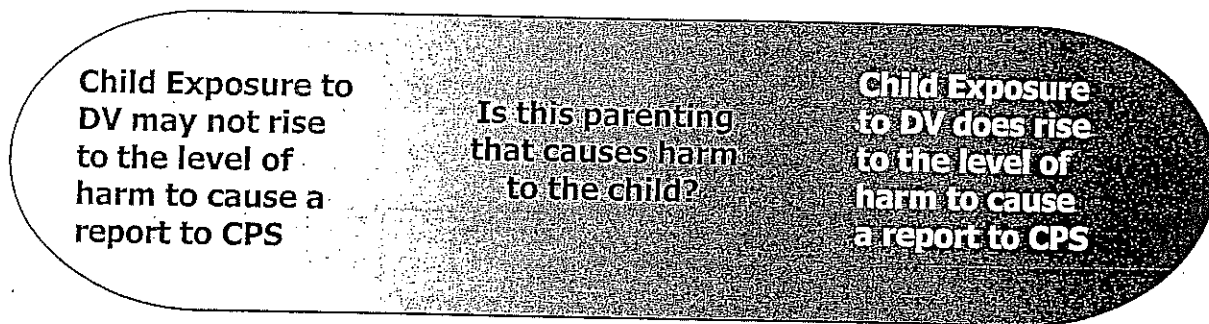


Circumstances that may not rise to the level of harm to cause a report to CPS	Is this parenting that causes harm to the child?	Circumstances that do rise to the level of harm to cause a report to CPS
Exposing Children to Violent TV shows	Using violent TV shows to teach children violence	Forcing Children to watch violent pornography
Spanking Children with hand or "paddle" no injuries	Spanking children with belt leaving red marks	Hitting children with fist/causing injuries
Exposing Children to second hand smoke	Drinking/using drugs in presence of children	Operating a meth lab in home with children
Yelling at children calling children names	Yelling/cursing causing anxiety/apprehension	Threatening to kill child/child in fear of personal harm

## When does domestic violence rise to the level of child abuse and neglect?

- Determine if a pattern of power and control exists. If not, what is happening may not be domestic violence but some other form of violence in the family.
- While power and control domestic violence always has an impact on children, it does not always create harm or threat of harm that necessitates state intervention.

**Guideline for determining if exposure to domestic violence creates harm or threat of harm that rises to the level of child abuse/neglect:**



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| <ul style="list-style-type: none"> <li>• No physical injury to child</li> <li>• Child is not afraid of bodily injury to self or others in family</li> <li>• Child is not using violence</li> <li>• Spanking is primary form of discipline</li> <li>• Authoritarian parenting style</li> <li>• Yelling, calling kids and parents names</li> <li>• Domestic violence batterer has been out of the home and does not contact child or adult victim</li> </ul> | <p>Is this parenting that causes harm to the child?</p> | <ul style="list-style-type: none"> <li>• No physical injury to child</li> <li>• Child is anxious about following rules of batterer</li> <li>• Child is fearful of controlling batterer</li> <li>• Adult victim has been injured by batterer</li> <li>• Adult victim is fearful of batterers controlling behaviors—follows batterers rules</li> <li>• Child is hyper vigilant or acting out in school</li> <li>• Adult victim takes child to relative during "explosive" incident</li> <li>• Adult victim is "accommodating" batterer</li> </ul> |
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| <ul style="list-style-type: none"> <li>• Child is injured while protecting adult victim during violent incident</li> <li>• Batterer threatens to kill adult victim and/or child</li> <li>• Child is in fear of bodily injury from batterer</li> <li>• Child is using violent behaviors at school or home</li> <li>• Adult victim is afraid of bodily injury or death</li> </ul> |
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