

## Original Contributions

## Child dental neglect laws

## Specifications and repercussions for dentists in 51 jurisdictions

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Supplemental material  
is available online.

## ABSTRACT

**Background.** The purpose of this study was to perform an interjurisdictional comparison of statutes and regulations (collectively laws) pertaining to the reporting of child dental neglect by dentists. Case law interpretation or enforcement of the laws was not included in this study.

**Methods.** Child neglect laws were identified in 51 jurisdictions (50 states and the District of Columbia) by performing a Westlaw legal database search, conducting a systematic internet search, and engaging in direct communication with each jurisdiction. Two laws on 2 domains relative to dentists were evaluated: protection from civil and criminal liability when reporting child neglect and sanctions for failing to report child neglect.

**Results.** All jurisdictions have child neglect laws; however, only 8 specify failing to seek dental treatment as child neglect and none adopt the American Academy of Pediatric Dentistry's definition. Although all jurisdictions protect dental professionals who report child dental neglect in good faith, sanctions for failing to report neglect include imprisonment from 6 months (49%) through 5 years (2%) and fines from \$1,000 (61%) through \$10,000 (6%).

**Conclusions.** Although the laws vary across jurisdictions, dentists are protected when reporting child dental neglect but can be sanctioned for failing to report it.

**Practical Implications.** Dentists may not be aware of the current sanctions or interjurisdictional differences. Becoming informed about these laws may incentivize dentists to establish reporting protocols for child dental neglect.

**Key Words.** Child; child neglect; dentists; health policy; state government.

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According to the American Academy of Pediatric Dentistry (AAPD), child dental neglect is the “willful failure of parent or guardian to seek and follow through with treatment necessary to ensure a level of oral health essential for adequate function and freedom from pain or infection.”<sup>1</sup> This definition has been adopted by the American Academy of Pediatrics.<sup>2,3</sup> Dentists are mandated reporters of child abuse and neglect and are, therefore, required to report suspected cases.<sup>4-11</sup> In addition, according to the American Dental Association Principles of Ethics and Code of Professional Conduct, “Dentists are ethically obligated to keep current their knowledge of both identifying abuse and neglect and reporting it in the jurisdiction(s) where they practice.”<sup>12</sup>

Requiring dentists to report dental neglect is imperative because a failure to receive adequate dental care results in significant long-term consequences for children.<sup>13,14</sup> Untreated dental caries can lead to pain, infection, malnutrition, missed school days and decreased school performance, and altered growth and development.<sup>13-15</sup> The prevalence of child dental neglect has not been documented<sup>16</sup>; however, estimates of child physical neglect range from 12% through 16% of children, with 37% of children in the United States having experienced a Child Protective Services investigation by the age of 18 years.<sup>17-19</sup> Although the prevalence of child dental neglect is not reported in the literature, research suggests that it is underreported.<sup>20,21</sup>

Previous research focuses primarily on the identification of patients with suspected dental neglect<sup>20-23</sup> and the role of dentists in reporting it.<sup>6,7,9,11,20,21,23,24</sup> There are 2 interjurisdictional

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policy analyses on dental neglect in the literature: 1 studying the specification of dentists as mandated reporters of child abuse and neglect, conducted in 1995,<sup>11</sup> and a 1986 study surveying state dental directors and state health departments for the specification of dental neglect in state laws.<sup>10</sup> Absent from this research is an interjurisdictional analysis of what sanctions, if any, exist for failing to report child dental neglect for mandated reporters, such as dentists.

This study does not consider what actions or omissions could be considered to be child abuse if committed by dentists; rather, in our study, we examine specific jurisdictions' laws for the inclusion of child dental neglect and whether specific jurisdictions' definitions adopt that of the AAPD and analyze specific jurisdictions' laws regarding protections afforded to dentists who report child neglect and sanctions, specifically related to imprisonment and fines, for the failure to report.

## METHODS

### Identifying child neglect laws

We identified child neglect laws in 51 jurisdictions in March 2018, including all states and the District of Columbia. Laws of the US territories and tribal nations were determined to be beyond the scope of our study. Child neglect laws were first identified through the US Department of Health and Human Services Child Welfare Information Gateway Web site.<sup>5</sup> After obtaining the citations, each law was verified in an internet search. Using these methods, five jurisdictions specify dental in their definition of child neglect.

To ensure comprehensibility, we performed an additional search of the Westlaw legal database, using "dent! w/s neglect" as our search string. The Westlaw search revealed 37 regulations and 117 statutes in which the words dental and neglect co-occurred in the same sentence.

These laws were individually analyzed for relevancy, resulting in 42 relevant laws. Child neglect laws exist within a variety of legal titles. For example, in Alabama, the definition of child neglect is found under Title 26, "Infants and Incompetents."<sup>25</sup> In Arkansas, it is found under Title 12, "Law Enforcement, Emergency Management, and Military Affairs." In Alaska it is found under Title 47, "Welfare, Social Services, and Institutions."<sup>26,27</sup> Within the 42 laws, 19 definitions of child neglect were identified, 8 of which specified the word dental in their definition of child neglect.

After reviewing each law for relevancy, a binary system of coding was used to determine whether the laws included the terms medical personnel and dental personnel and the adoption of the AAPD's definition of dental neglect. Identifying case law interpretation of these laws was deemed to be beyond the scope of this study.

### Reporting or failing to report neglect by mandated reporters

We coded the laws for each jurisdiction on 2 domains related to reporting of child neglect by dentists:

- civil and criminal liability protections for dentists who report child neglect;
- penalties or sanctions for the failure of dentists to report child neglect as a first offense.

We excluded sanctions for failing to report child neglect as a second or subsequent offense from our analysis. We also excluded the criminal law classification, such as misdemeanor or felony, from our analysis owing to the variable labels and definitions of each type of classification across jurisdictions.

When reviewing the content of the laws for sanctions for failing to report child neglect as a mandated reporter, the laws allowing the imposition of prison sentences were classified in 4 categories:

- laws that did not specify imprisonment sanctions;
- laws that allowed the imposition of prison sentences from 1 day to less than 6 months;
- laws that allowed the imposition of prison sentences from 6 months to less than 1 year;
- laws that allowed the imposition of prison sentences of greater than 1 year.

Laws allowing the imposition of fines were also classified in 4 categories:

- laws that did not specify fines;
- laws that allowed the imposition of fines of less than \$1,000;
- laws that allowed the imposition of fines from \$1,000 through \$4,999;
- laws that allowed the imposition of fines from \$5,000 through \$10,000.

## ABBREVIATION KEY

**AAPD:** American Academy of Pediatric Dentistry.

**Table 1.** Specification of medical and dental terms in the definition of child neglect for 51 US jurisdictions.

JURISDICTION	CITATION	SPECIFIC TERM	
		Medical	Dental
AL	Ala. Code § 26-14-1(1)-(3)	✓	—*
AK	Alaska Stat. § 47.17.290	✓	—
AZ	Ariz. Rev. Stat. § 8-201	✓	—
AR	Ark. Code § 12-18-108	✓	—
CA	Cal. Welf. & Inst. Code § 300	✓	—
CO	Colo. Rev. Stat. §§ 10-1-103 and 19-3-102	✓	—
CT	Con. Gen. Stat. § 46b-120	—	—
DE	Del. Code tit. 16, § 902; Del. Code tit. 10, § 901	✓	—
DC	D.C. Code § 16-2301	✓	—
FL	Fla. Stat. § 39.01	✓	—
GA	Ga. Code Ann. § 19-7-5(b)	—	—
HI	Haw. Rev. Stat. § 350-1	✓	—
ID	Idaho Code Ann. § 16-1602	✓	—
IL	325 Ill. Comp. Stat. § 5/3	✓	—
IN	Ind. Code §§ 31-34-1-1, 9, 10, and 11	✓	—
IA	Iowa Code § 232.68	✓	—
KS	Kan. Stat. Ann. § 38-2202	✓	—
KY	Ky. Rev. Stat. Ann. § 600.020	✓	—
LA	La. Ch.C. art. 603	✓	—
ME	Me. Stat. tit. 22, § 4002	✓	—
MD	Md. Code Ann., Fam. Law § 5-701	—	—
MA	110 CMR 2.00	✓	—
MI	Mich. Comp. Laws § 722.622	✓	—
MN	Minn. Stat. § 626.556, Subd. 2	✓	—
MS	Miss. Code Ann. § 43-21-105	✓	—
MO	Mo. Rev. Stat. § 210.110	✓	—
MT	Mont. Code Ann. § 41-3-102	✓	—
NE	Neb. Rev. Stat. § 28-710	—	—
NV	Nev. Rev. Stat. § 431B.140	✓	—
NH	N.H. Rev. Stat. Ann. § 169-C: 3	—	—
NJ	N.J. Rev. Stat. § 3A:51-7.1	✓	✓
NM	N.M. Stat. § 32A-4-2	✓	—
NY	18 NYCRR 433.2	✓	✓
NC	N.C. Gen. Stat. § 7B-101	✓	—
ND	N.D. Cent. Code §§ 50-25.1-02; 27-20-01	—	—
OH	Ohio Rev. Code § 2151.03(A)	✓	—
OK	Okla. Stat. tit. 10A, § 1-2-105	✓	✓
OR	OAR 407-045-0887	✓	✓
PA	23 Pa.C.S. § 6301-6385	✓	✓
RI	40 R.I. Gen L § 40-11-2	✓	—
SC	S.C. Code Ann. § 63-7-20	✓	—
SD	S.D. Codified Laws § 26-8A-2	✓	—

\* —: Indicates that the specific term was absent from the jurisdiction citation.

Table 1. Continued

JURISDICTION	CITATION	SPECIFIC TERM	
		Medical	Dental
TN	Tenn. Code Ann. § 37-1-102	✓	–
TX	Tex. Fam. Code § 261.001	✓	–
UT	Utah Code § 78A-6-105	✓	✓
VT	Vt. Stat. Ann. tit. 33, § 4912	✓	–
VA	22VAC40-705-30; Va. Code Ann. § 63.2-100	✓	✓
WA	Wash. Rev. Code § 26.44.020; Wash Rev. Code § 9A.42.100	✓	–
WV	W. Va. Code § 49-1-201	✓	–
WI	Wis. Adm. Code DHS § 88.02	✓	✓
WY	Wyo. Stat. Ann., § 14-3-202	✓	–
<b>Total, %</b>		88	16

### Verification of findings

After identifying and coding the child neglect laws, we presented our findings to jurisdictions and asked for feedback by contacting the department of health and human services in each of the 51 jurisdictions via e-mail (March-July 2018). The purpose of this communication was to verify findings, identify the agency's interpretation of the law, and ensure research comprehensibility. For each jurisdiction, we cited the relevant law and set forth the definition of child neglect we identified in internet and Westlaw legal database searches. Jurisdiction-specific sanctions and protections were also set forth. We asked representatives from each jurisdiction to confirm our interpretation of the law and to reveal whether the term dental neglect and sanctions were specified elsewhere in the jurisdiction's laws. The response rate was 26% (13 responses) after the first contact. In our second contact, 1 month later, we e-mailed the state departments of health and human services again if they had not previously responded and received 17 additional responses (33%). In our third and final contact, we e-mailed the jurisdiction representative in the Association of State and Territorial Dental Directors, which resulted in 1 additional response (2%). After 3 contacts, we received responses from a total of 31 jurisdictions (61%), all of which confirmed that we identified the correct legal citation and correctly categorized sanctions for failing to report child neglect.

### RESULTS

Although all 51 jurisdictions have laws that define child abuse and neglect, only 8 jurisdictions (16%) specify the term dental within its definition: New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Utah, Virginia, and Wisconsin (Table 1). None of the 51 jurisdictions adopted the AAPD's definition of dental neglect (Table 1). For example, Pennsylvania defines child neglect as "A physical condition caused by the act or failure to act of a perpetrator which endangers the child's life or development or impairs the child's functioning and is the result of one of the following: Failure to provide essentials of life, including adequate medical and dental care" (eTable).<sup>28</sup>

Although only 8 jurisdictions specify dental neglect, far more jurisdictions include medical neglect in their definitions of child neglect ( $n = 45$ ; 88%) (Table 1). When communicating with state departments of health and human services, several jurisdictions considered dental neglect as part of medical neglect even if the term dental was not specified in the jurisdiction's law (L. Bothe, email communication, Alaska, March 2018; J. Wacloff, email communication, Arizona, July 2018; M. Abraham, email communication, District of Columbia, June 2018; J.S. Harper, email communication, May 2018; T.N. Foster, email communication, Georgia, June 2018; K. Reelitz, email communication, Hawaii, May 2018; A. Prokupek, email communication, Idaho, June 2018; B. Dubre, email communication, Illinois, May 2018; K. Fisher, email communication, Kentucky, June 2018; W.G. Fahr, email communication, Louisiana, May 2018; V.R. McKee, email communication, Maryland, May 2018; R. Wineland, email communication, Michigan, June 2018; R. Wilcox, email communication, Minnesota, May 2018; S. Linenfelser, email communication,

**Table 2.** Protection from civil and criminal liability when reporting child neglect and sanctions\* related to imprisonment and fines for failing to report child neglect by mandated reporters in 51 US jurisdictions.

JURISDICTION	PROTECTION FROM CIVIL AND CRIMINAL LIABILITY	IMPRISONMENT				FINE, \$			
		Not Specified	1 d to < 6 mo	6 mo to < 1 y	≥ 1 y	Not Specified	< 1,000	1,000-4,999	5,000-10,000
AL	✓	- <sup>†</sup>	✓	-	-	-	✓	-	-
AK <sup>‡</sup>	✓	-	-	✓	-	-	-	-	✓
AZ <sup>‡</sup>	✓	-	✓	-	-	-	-	✓	-
AR	✓	-	-	✓	-	-	-	✓	-
CA	✓	-	-	✓	-	-	-	✓	-
CO	✓	-	✓	-	-	-	✓	-	-
CT	✓	-	-	✓	-	-	-	✓	-
DE	✓	✓	-	-	-	-	-	-	✓
DC <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
FL <sup>‡</sup>	✓	-	-	-	✓ <sup>§</sup>	-	-	✓	-
GA <sup>‡</sup>	✓	-	-	✓	-	-	✓	-	-
HI <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
ID <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
IL <sup>‡</sup>	✓	-	-	✓	-	-	-	✓	-
IN	✓	-	✓	-	-	-	✓	-	-
IA <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
KS	✓	-	✓	-	-	-	✓	-	-
KY <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
LA <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
ME	✓	-	-	✓	-	-	-	✓	-
MD <sup>‡</sup>	✓	✓	-	-	-	-	✓	-	-
MA	✓	-	✓	-	-	-	✓	-	-
MI <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
MN <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
MS	✓	-	-	✓	-	-	-	✓	-
MO <sup>‡</sup>	✓	-	-	✓	-	-	-	✓	-
MT <sup>†¶</sup>	✓	✓	-	-	-	✓	-	-	-
NE <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
NV <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
NH <sup>‡</sup>	✓	-	-	✓	-	-	-	✓	-
NJ	✓	-	✓	-	-	-	✓	-	-
NM	✓	-	-	✓	-	-	✓	-	-
NY <sup>‡</sup>	✓	-	-	✓	-	-	✓	-	-
NC <sup>‡#</sup>	✓	-	✓	-	-	✓	-	-	-
ND <sup>‡</sup>	✓	-	✓	-	-	-	-	✓	-
OH <sup>‡</sup>	✓	-	✓	-	-	-	✓	-	-
OK	✓	-	-	✓	-	-	✓	-	-
OR	✓	-	-	✓	-	-	-	-	✓

\* The reported sanctions pertain only to the first offense for failing to report neglect as a mandated provider. † -: Indicates that the specific term was absent from the jurisdiction citation. ‡ Both the protections and sanctions for the first offense for failing to report neglect as a mandated provider were confirmed with the departments of health and human services in each jurisdiction. § The sanction for the first offense for failing to report neglect as a mandated provider includes imprisonment for up to 5 years in Florida. ¶ The sanctions, including imprisonment and fine, are not specified in Montana. # The sanctions related to fines are "what the court deems appropriate," and thereby not specified, in North Carolina.

Table 2. Continued

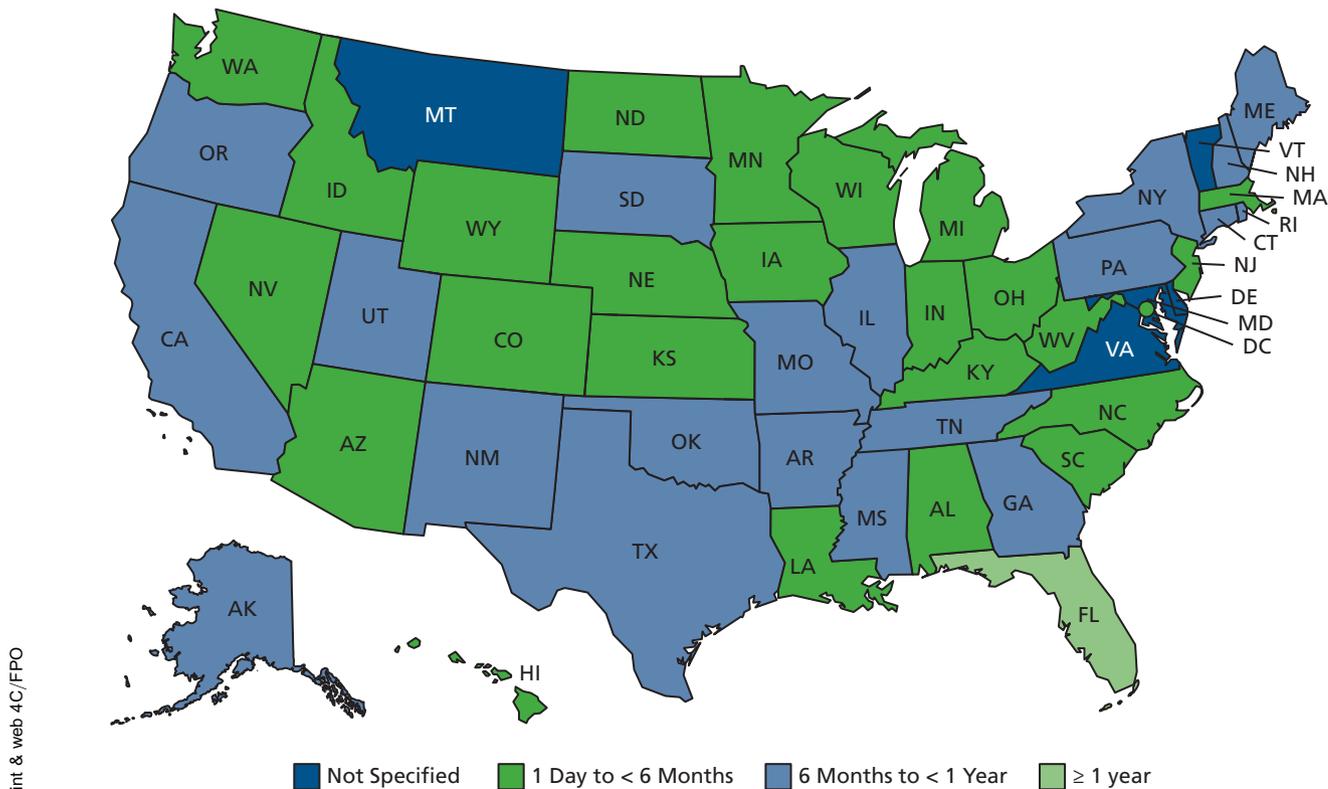
JURISDICTION	PROTECTION FROM CIVIL AND CRIMINAL LIABILITY	IMPRISONMENT				FINE, \$			
		Not Specified	1 d to < 6 mo	6 mo to < 1 y	≥ 1 y	Not Specified	< 1,000	1,000-4,999	5,000-10,000
PA <sup>+</sup>	✓	–	–	✓	–	–	–	✓	–
RI <sup>+</sup>	✓	–	–	✓	–	–	✓	–	–
SC <sup>+</sup>	✓	–	✓	–	–	–	✓	–	–
SD <sup>+</sup>	✓	–	–	✓	–	–	–	✓	–
TN <sup>+</sup>	✓	–	–	✓	–	–	–	✓	–
TX <sup>+</sup>	✓	–	–	✓	–	–	–	✓	–
UT <sup>+</sup>	✓	–	–	✓	–	–	✓	–	–
VT	✓	✓	–	–	–	–	✓	–	–
VA	✓	✓	–	–	–	–	✓	–	–
WA <sup>+</sup>	✓	–	✓	–	–	–	✓	–	–
WV	✓	–	✓	–	–	–	✓	–	–
WI	✓	–	✓	–	–	–	✓	–	–
WY	✓	–	✓	–	–	–	✓	–	–
<b>Total, %</b>	100	10	49	39	2	4	61	29	6

Missouri, June 2018; A. Smith, email communication, Montana, June 2018; K. Delgado, email communication, Nevada, June 2018; E. Allen, email communication, New Hampshire, June 2018; New York State Office of Children and Family Services, email communication, New York, May 2018; V. Johnson, email communication, North Carolina, June 2018; M. Baker, email communication, North Dakota, May 2018; S. Dejen, email communication, Ohio, June 2018; R. Perry, email communication, Pennsylvania, May 2018; S. Terry, email communication, Rhode Island, June 2018; P. Bryant, email communication, May 2018; T. Kafka, email communication, South Dakota, June 2018; A. Gonzales, email communication, Texas, May 2018; M. Maxwell, email communication, Utah, May 2018; D. Craker, email communication, Washington, May 2018). For example, via e-mail communication (D. Craker, email communication, Washington, May 2018), the Washington State Department of Social and Health Services stated that dental neglect was considered part of the definition of negligent treatment even though it is not stated with specificity: “Negligent treatment or maltreatment” means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child’s health, welfare, or safety” (Wash. Rev. Code § 26.44.020) (eTable).<sup>29</sup>

In all 51 jurisdictions, laws protect mandated reporters, such as dentists, from civil and criminal liability provided that they report the child neglect in good faith (Table 2). All 51 jurisdictions also describe sanctions for failing to report neglect by mandated reporters; however, the sanctions vary between jurisdictions. Some jurisdictions allow for the imposition of fines, others impose imprisonment, and some allow both (Table 2, Figures 1 and 2). Forty-nine percent of the jurisdictions allow mandated reporters who fail to fulfill their obligations to be imprisoned for up to 6 months (Table 2, Figure 1), and 61% allow for fines up to \$1,000 (Table 2, Figure 2). Eighty-eight percent (n = 45) impose both fines and imprisonment (Table 2).

However, in 41% of jurisdictions (n = 21), prison terms longer than 6 months can be imposed (Table 2, Figure 2). In 1 jurisdiction, Florida, failure can result in imprisonment up to 5 years (Table 2, Figure 1). Fines were also variable; 15 jurisdictions (29%) allow fines up to \$5,000 and 3 jurisdictions—Alaska, Delaware, and Oregon—allow fines up to \$10,000 (Table 2, Figure 2).

There was wide variation in imprisonment and fines for failing to report child neglect as a mandated reporter. For example, in Colorado, the sanction for failing to report child neglect by a mandated reporter is up to 6 months of imprisonment and a fine up to \$1,000 (Table 2, Figures 1 and 2). In comparison, in Alaska, sanctions for the failure to report include up to 1 year of



**Figure 1.** Sanctions related to imprisonment for failing to report child neglect by mandated reporters in 51 US jurisdictions.

imprisonment and a fine of \$5,000 to \$10,000 (Table 2, Figures 1 and 2). Delaware, Maryland, Vermont, and Virginia levy fines but no imprisonment for failing to report neglect (Table 2, Figures 1 and 2).

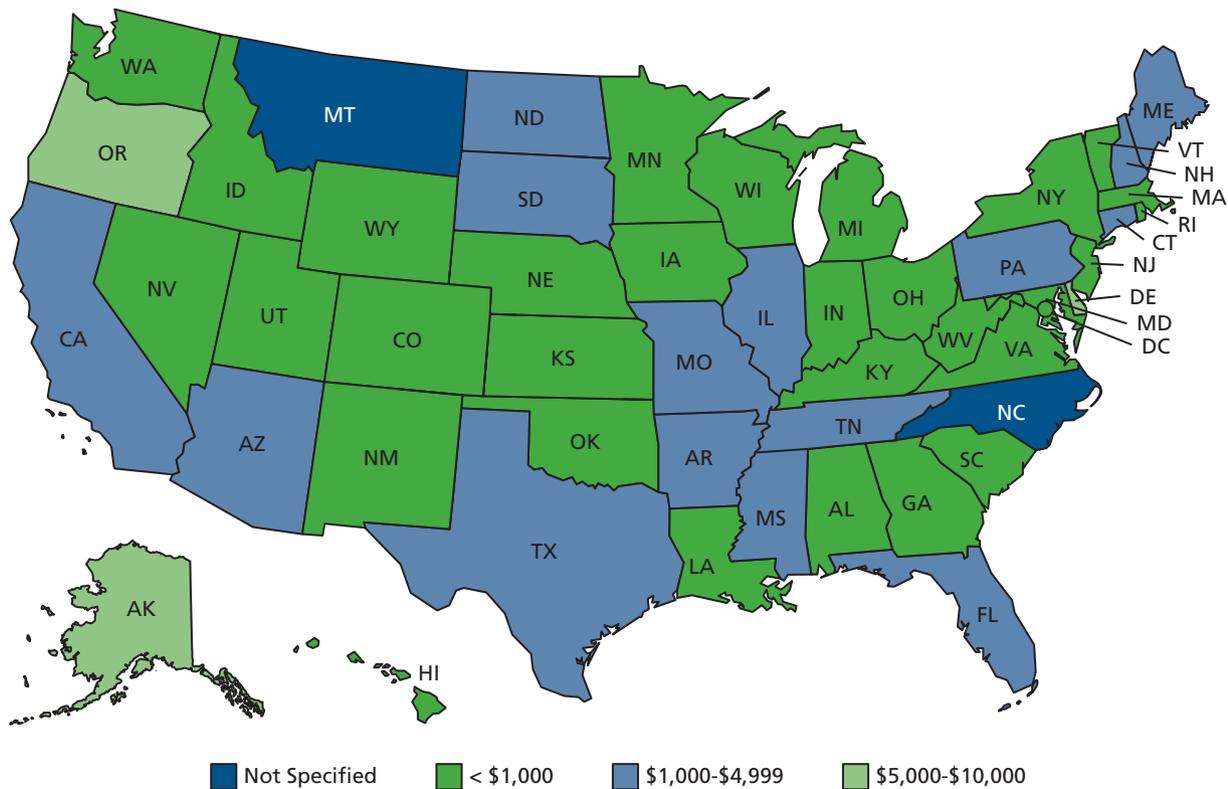
## DISCUSSION

To our knowledge, ours is the first study to comprehensively analyze laws requiring dentists to report child neglect. Overall, our analysis shows a lack of uniformity among jurisdictions regarding what constitutes child neglect and sanctions for failing to report it. Our research reveals 2 major findings. First, 8 jurisdictions specify the term dental within the definition of child neglect but none adopted the AAPD's definition of dental neglect. Second, there is interjurisdictional variation in mandated reporter sanctions for failing to report child neglect: imprisonment ranging from up to 6 months through 5 years and fines ranging from up to \$1,000 through \$10,000.

### Few jurisdictions specify “dental” as a component of neglect

Our interjurisdictional comparison revealed that only 8 jurisdictions specify the term dental within the definition of child neglect, which is an increase from 2 jurisdictions in 1986.<sup>10</sup> In some jurisdictions where the term dental is not specified within the law's definition of child neglect, dental neglect may still be interpreted to be a form of child neglect irrespective of its specific inclusion in the legal definition. This assumption can create confusion. If dental neglect is considered a part of child neglect but the term dental is not specified by the law, dentists may be unaware that dental neglect is considered part of the jurisdiction's definition. For example, in a study by Ramos-Gomez and colleagues,<sup>20</sup> 13% of California dentists (266 of 2,000 surveyed) erroneously reported that dentists were required by California law to report suspected cases of abuse but not neglect. Moreover, dentists may not be aware of the serious consequences of dental neglect and the importance of reporting. This may be contributing to an underreporting of child dental neglect by dentists.

In addition, the absence of the term dental within the jurisdiction's definition of child neglect may result in confusion, not only for dentists, but for all mandated reporters and law enforcement. To add clarity for all mandated reporters—including schoolteachers, day care workers, and health



**Figure 2.** Sanctions related to fines for failing to report child neglect by mandated reporters in 51 US jurisdictions.

care practitioners—jurisdictions should adopt the AAPD’s definition of child dental neglect within their child neglect laws. A clear, uniform definition of child dental neglect may foster better reporting and implementation of law enforcement on child dental neglect.

### Inconsistent sanctions for failing to report child neglect

A legal analysis performed in 1995 found that sanctions were not delineated in every jurisdiction for mandated reporters who failed to report suspected cases of child abuse and neglect.<sup>11</sup> Although all jurisdictions impose sanctions for failing to report child neglect by mandated reporters, the laws are inconsistent. The severity of the sanctions may reflect the recognition of the seriousness of child abuse and neglect as a public health issue as well as the importance of the role of mandatory reporters, such as dentists, in recognizing the problem and intervention.

Dentists may not be aware of the sanctions or that there are interjurisdictional differences. In 1998, Ramos-Gomez and colleagues<sup>20</sup> found that 59% of California dentists (1,176 of 2,000 surveyed) were unaware of the legal consequences of failing to report suspected child abuse or neglect. The reporting requirements and sanctions for failing to report are the same for both child neglect and child abuse. Becoming aware of the sanctions, with respect to fines and imprisonment, may incentivize dentists to be vigilant in looking for signs of child dental neglect and establishing reporting protocols. With increased awareness of the sanctions for failing to report child dental neglect, timelier reporting may occur. This could result in fewer long-term repercussions for children experiencing dental neglect, thus improving their oral health. In addition, timely reporting of child neglect by dentists may avoid any vulnerabilities to malpractice lawsuits for injuries incurred by a victim of child neglect after a failure to report. The sanctions found in this analysis may encourage dentists to fulfill their legal and ethical obligation to address the serious public health problem of child neglect.

### Good faith

The laws in each jurisdiction contain language to protect mandated reporters from criminal and civil liability arising from reporting child neglect in good faith. This finding is consistent with a

1995 legal analysis of dentistry's role in preventing child abuse and neglect.<sup>11</sup> Although the statutory definition of good faith is generally consistent across jurisdictions—that the person, to the best of his or her knowledge, has reason to believe that the child is subject to abuse or neglect—the judicial interpretation of what actions constitute good faith varies by jurisdiction.

### Limitations

The results of this study should be interpreted in light of its limitations. First, our analysis was limited to sanctions for failing to report child neglect as a mandated reporter as a first offense. Subsequent offenses for failing to report child abuse and neglect as a mandated reporter may have progressive sanctions depending on the jurisdiction. For example, in Pennsylvania, the sanction for the first offense of failing to report child neglect is imprisonment for 6 months to 1 year and a fine of \$1,000. The sanction for a second failure to report is imprisonment for 3½ to 7 years and a fine of up to \$15,000. The sanction for a subsequent failure to report is imprisonment for 2 years and a fine of up to \$25,000. Second, we reached out to the departments of health and human services in each jurisdiction to confirm our findings on the most current child abuse and neglect laws. An alternative department, such as the department of public safety, may be more insightful as to child abuse and neglect laws. Third, even after multiple attempts, we were not able to obtain confirmation of our findings for all 51 jurisdictions. Fourth, the clinical identification and systemic causes of child dental neglect and state policies to address child neglect<sup>30</sup> were not within the scope of the specific aims of this legal analysis. Last, case law interpretations of what actions or omissions constitute good faith were not analyzed.

### Future analyses

Future analyses should examine whether jurisdictions are enforcing the laws and whether those with more stringent sanctions for failing to report dental neglect are associated with increased reporting of dental neglect. Future research may also identify whether dentists' awareness of these sanctions is associated with increased reporting of dental neglect.

### CONCLUSIONS

Our study provides information on child neglect laws regarding the inclusion of the term dental in the definition of child neglect and the sanctions for failing to report child neglect by mandated reporters, such as dentists. We found that 8 jurisdictions specified dental neglect within the definition of child neglect and that no jurisdictions adopted the AAPD's definition of dental neglect. In general, dentists are protected when reporting child neglect and penalized for failing to report child neglect. Although all jurisdictions consistently protect mandated reporters from civil and criminal liability for reporting child neglect in good faith, the sanctions for failing to report child neglect as a mandated reporter vary greatly regarding imprisonment and fines. ■

### SUPPLEMENTAL DATA

Supplemental data related to this article can be found in the eTable at: <https://doi.org/10.1016/j.adaj.2019.09.010>.

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**eTable.** Specification of medical and dental terms in the definition of child neglect for 51 US jurisdictions; with select quotations from the jurisdiction's laws.

JURISDICTION	CITATION	CHILD NEGLECT DEFINITION RELATED TO HEALTH CARE SERVICES	SPECIFIC TERM	
			Medical	Dental
		<b>Selected Quotation From Citation</b>		
AL	Ala. Code § 26-14-1(1)-(3)	"Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter."	✓	—*
AK	Alaska Stat. § 47.17.290	"Failure of the person responsible for the child's welfare to provide the child necessary food, care, clothing, shelter, or medical attention."	✓	—
AZ	Ariz. Rev. Stat. § 8-201	"The inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care, if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare. ..."	✓	—
AR	Ark. Code § 12-18-108	"Failure or refusal to provide the food, clothing, shelter, and education required by law." "Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care."	✓	—
CA	Cal. Welf. & Inst. Code § 300	"The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment."	✓	—
CO	Colo. Rev. Stat. §§ 10-1-103 and 19-3-102	"The term 'child abuse or neglect' includes any case in which a child is in need of services because the child's parent has failed to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take." "The parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other necessary care."	✓	—
CT	Con. Gen. Stat. § 46b-120	"A child or youth... is being denied proper physical, educational, emotional, or moral care and attention." "A child or youth may be found 'uncared for' who is homeless; whose home cannot provide the specialized care that the physical, emotional, or mental condition of the child requires; or who has been identified as a victim of trafficking, as defined in § 46a-170."	—	—
DE	Del. Code tit. 16, § 902; Del. Code tit. 10, § 901	"Fails to provide necessary care with regard to food, clothing, shelter, education, health, medical, or other care necessary for the child's emotional, physical, or mental health, or safety and general well-being."	✓	—
DC	D.C. Code § 16-2301	"Failure to provide adequate food, clothing, shelter, or medical care that includes medical neglect, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or other custodian."	✓	—
FL	Fla. Stat. § 39.01	" 'Medical neglect' means the failure to provide or allow needed care as recommended by a health-care practitioner for a physical injury, illness, medical condition, or impairment; or the failure to seek timely and appropriate medical care for a serious health problem that a reasonable person would have recognized as requiring professional medical attention. Medical neglect does not occur if the parent or legal guardian of the child has made reasonable attempts to obtain necessary health-care services or the immediate health condition giving rise to the allegation of neglect is a known and expected complication of the child's diagnosis or treatment, and: ■ The recommended care offers limited net benefit to the child, and the morbidity or other side effects of the treatment may be considered to be greater than the anticipated benefit. ■ The parent or legal guardian received conflicting medical recommendations for treatment from multiple practitioners and did not follow all recommendations."	✓	—
GA	Ga. Code Ann. § 19-7-5(b)	"The term 'child abuse' includes neglect or exploitation of a child by a parent or caregiver. 'Child abuse' means physical injury or death inflicted upon a child by a parent or caregiver by other than accidental means."	—	—
HI	Haw. Rev. Stat. § 350-1	" 'Child abuse or neglect' occurs when a child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision."	✓	—
ID	Idaho Code Ann. § 16-1602	" 'Neglected' means a child... Who is without proper parental care and control, subsistence, medical, or other care necessary for his or her well-being because of the conduct or omission of his or her parents, guardian, or other custodian, or their neglect or refusal to provide them."	✓	—

\* —: Indicates that the specific term was absent from the jurisdiction citation.

eTable. Continued

JURISDICTION	CITATION	CHILD NEGLECT DEFINITION RELATED TO HEALTH CARE SERVICES	SPECIFIC TERM	
			Medical	Dental
		<b>Selected Quotation From Citation</b>		
IL	325 Ill. Comp. Stat. § 5/3	“ ‘Neglected child’ means any child who is not receiving proper or necessary nourishment or medically indicated treatment, including food or care, that is not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving proper or necessary support or medical or other remedial care recognized under State law as necessary for a child’s well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter.”	✓	—
IN	Ind. Code §§ 31-34-1-1, 9, 10, and 11	“The child’s physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.”	✓	—
IA	Iowa Code § 232.68	“The failure on the part of a person responsible for the care of a child to provide adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child’s health and welfare when financially able to do so or when offered financial or other reasonable means to do so.”	✓	—
KS	Kan. Stat. Ann. § 38-2202	“Medical ‘neglect’ means acts or omissions by a parent, guardian, or person responsible for the care of a child that results in harm to a child or presents a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. Neglect may include but shall not be limited to: <ul style="list-style-type: none"> <li>■ Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening.”</li> </ul>	✓	—
KY	Ky. Rev. Stat. Ann. § 600.020	“The term ‘abused or neglected child’ includes a child whose health or welfare is harmed or threatened with harm when his or her parent, guardian, or other person exercising custodial control or supervision... does not provide the child with adequate care, supervision, food, clothing, shelter, education, or medical care necessary for the child’s well-being.”	✓	—
LA	La. Ch.C. art. 603	“ ‘Neglect’ means the refusal or unreasonable failure of a parent or caregiver to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, and as a result of which the child’s physical, mental, or emotional health and safety is substantially threatened or impaired.”	✓	—
ME	Me. Stat. tit. 22, § 4002	“ ‘Abuse or neglect’ means a threat to a child’s health or welfare by deprivation of essential needs or lack of protection by a person responsible for the child.” “ ‘Jeopardy to health or welfare’ or ‘jeopardy’ means serious abuse or neglect as evidenced by... deprivation of necessary health care when the deprivation places the child in danger of serious harm.”	✓	—
MD	Md. Code Ann., Fam. Law § 5-701	“ ‘Neglect’ means leaving a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate: <ul style="list-style-type: none"> <li>■ That the child’s health or welfare is harmed or placed at substantial risk of harm”</li> </ul>	—	—
MA	110 CMR 2.00	“ ‘Neglect’ means failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability, and growth, or other essential care.”	✓	—
MI	Mich. Comp. Laws § 722.622	“ ‘Child neglect’ means harm or threatened harm to a child’s health or welfare, by a parent, legal guardian, or any other person responsible for the child’s health or welfare, that occurs through either of the following: <ul style="list-style-type: none"> <li>■ Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.</li> <li>■ Placing a child at an unreasonable risk to the child’s health or welfare by failure to intervene to eliminate that risk when the parent, legal guardian, or other person responsible for the child’s health or welfare is able to do so and has, or should have, knowledge of the risk.”</li> </ul>	✓	—

eTable. Continued

JURISDICTION	CITATION	CHILD NEGLECT DEFINITION RELATED TO HEALTH CARE SERVICES	SPECIFIC TERM	
			Medical	Dental
		<b>Selected Quotation From Citation</b>		
MN	Minn. Stat. § 626.556, Subd. 2	<p>“ ‘Neglect’ means the commission or omission of any of the acts specified below by other than accidental means:</p> <ul style="list-style-type: none"> <li>■ Failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so.”</li> </ul>	✓	—
MS	Miss. Code Ann. § 43-21-105	<p>“ ‘Neglected child’ means a child:</p> <ul style="list-style-type: none"> <li>■ Whose parent, guardian, custodian, or any person responsible for his or her care or support neglects or, when able to do so, refuses to provide proper and necessary care or support; education as required by law; or medical, surgical, or other care necessary for his or her well-being.</li> <li>■ Who, for any reason, lacks the care necessary for his or her health, morals, or well-being.”</li> </ul>	✓	—
MO	Mo. Rev. Stat. § 210.110	“Failure to provide, by those responsible for the care, custody, and control of the child, proper or necessary support; education as required by law; nutrition; or medical, surgical, or any other care necessary for the child’s well-being.”	✓	—
MT	Mont. Code Ann. § 41-3-102	<p>“Fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or when offered financial or other reasonable means to do so.”</p> <p>“ ‘Withholding of medically indicated treatment’ means failure to respond to an infant’s life-threatening conditions by not providing treatment, including appropriate nutrition, hydration, and medication, that in the treating physician’s or physicians’ reasonable medical judgment is most likely to be effective in ameliorating or correcting the conditions.”</p>	✓	—
NE	Neb. Rev. Stat. § 28-710	“ ‘Child abuse or neglect’ means knowingly, intentionally, or negligently causing or permitting a minor child to be deprived of necessary food, clothing, shelter, or care ...”	—	—
NV	Nev. Rev. Stat. § 431B.140	“Negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful, or emotionally traumatic; has been abandoned; is without proper care, control, or supervision; or lacks the subsistence, education, shelter, medical care, or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.”	✓	—
NH	N.H. Rev. Stat. Ann. § 169-C: 3	“ ‘Neglected child’ means a child: 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, when it is established that his or her health has suffered or is very likely to suffer serious impairment, and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian.”	—	—
NJ	N.J. Rev. Stat. § 3A:51-7.1	<p>“ ‘Abused child’ or ‘abused or neglected child’ means a child younger than age 18 whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent, guardian, or other person having custody and control, to exercise a minimum degree of care:</p> <ul style="list-style-type: none"> <li>■ In supplying the child with adequate food, clothing, shelter, education, medical, or surgical care, although financially able to do so or although offered financial or other reasonable means to do so.</li> <li>■ The child does not receive required/necessary immunizations, dental care, medical follow-up or medication for conditions which can pose serious harm to the child.”</li> </ul>	✓	✓
NM	N.M. Stat. § 32A-4-2	“ ‘Neglected child’ means a child... who is without proper parental care and control or subsistence, education, medical, or other care or control necessary for the child’s well-being because of the faults or habits of the child’s parent, guardian, or custodian or that person’s failure or refusal to provide them.”	✓	—

eTable. Continued

JURISDICTION	CITATION	CHILD NEGLECT DEFINITION RELATED TO HEALTH CARE SERVICES	SPECIFIC TERM	
			Medical	Dental
		<b>Selected Quotation From Citation</b>		
NY	18 NYCRR 433.2	<p>“ ‘Neglect’ means any action, inaction or lack of attention that breaches a custodian’s duty, and that results in or is likely to result in physical injury or serious or protracted impairment of the physical, mental or emotional condition of a service recipient. Neglect shall include, but is not limited to: failure to provide proper supervision, including lack of proper supervision that results in conduct between persons receiving services that would constitute physical abuse, sexual abuse, psychological abuse, deliberate or inappropriate use of restraints, use of aversive conditioning, obstruction or reports of reportable incidents, or unlawful use or administration of a controlled substance, as defined above; failure to provide adequate food, clothing, shelter, medical, dental, optometric or surgical care, consistent with the rules and regulations governing the same, provided that the facility or provider agency has reasonable access to the provision of such services and that necessary consents to any such medical, dental, optometric or surgical treatment have been sought and obtained from the appropriate individuals.”</p>	✓	✓
NC	N.C. Gen. Stat. § 7B-101	<p>“ ‘Neglected juvenile’ means a child:</p> <ul style="list-style-type: none"> <li>■ Who is not provided necessary medical or remedial care”</li> <li>“ ‘Serious neglect’ means conduct, behavior, or inaction of the juvenile’s parent, guardian, custodian, or caregiver that evidences a disregard of consequences of such magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile’s health, welfare, or safety, but does not constitute abuse.”</li> </ul>	✓	—
ND	N.D. Cent. Code §§ 50-25.1-02; 27-20-01	<p>“ ‘Neglected child’ means a deprived child as defined in chapter 27-20.”</p> <p>“ ‘Deprived child’ means a child who:</p> <ul style="list-style-type: none"> <li>■ Is without proper parental care or control, subsistence, education, or other care or control necessary for the child’s physical, mental, or emotional health or morals; and the deprivation is not due primarily to the lack of financial means of the child’s parents, guardian, or other custodian.</li> <li>■ Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court.”</li> </ul>	—	—
OH	Ohio Rev. Code § 2151.03(A)	<p>“ ‘Neglected child’ includes any child:</p> <ul style="list-style-type: none"> <li>■ Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child’s health, morals, or well-being;</li> <li>■ Who, because of the omission of the child’s parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child’s health or welfare.”</li> </ul>	✓	—
OK	Okla. Stat. tit. 10A, § 1-2-105	<p>“ ‘Neglect’ means any of the following:</p> <ul style="list-style-type: none"> <li>■ The failure or omission to provide any of the following:</li> <li>■ Adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education.</li> <li>■ Medical, dental, or behavioral health care. Supervision or appropriate caregiver.</li> <li>■ Special care made necessary by the physical or mental condition of the child.”</li> </ul>	✓	✓
OR	OAR 407-045-0887	<p>“Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from infants who have disabilities and life-threatening conditions. However, failure to provide a child with immunizations or routine care alone does not constitute medical neglect. When the Office of Training, Investigations and Safety, investigator is making a determination of medical neglect, this determination must be consistent with medical findings.”</p>	✓	✓
PA	23 Pa.C.S. § 6301-6385	<p>“A physical condition caused by the act or failure to act of a perpetrator which endangers the child’s life or development or impairs the child’s functioning and is the result of one of the following: Failure to provide essentials of life, including adequate medical and dental care.”</p>	✓	✓
RI	40 R.I. Gen L § 40-11-2	<p>“The term ‘abused and/or neglected child’ includes a child whose physical or mental health or welfare is harmed or threatened with harm when the child’s parent or other person responsible for his or her welfare:</p> <ul style="list-style-type: none"> <li>■ Fails to supply the child with adequate food, clothing, shelter, or medical care, although financially able to do so or offered financial or other reasonable means to do so.”</li> </ul>	✓	—

eTable. Continued

JURISDICTION	CITATION	CHILD NEGLECT DEFINITION RELATED TO HEALTH CARE SERVICES	SPECIFIC TERM	
			Medical	Dental
		<b>Selected Quotation From Citation</b>		
SC	S.C. Code Ann. § 63-7-20	“ ‘Child abuse or neglect’ or ‘harm’ occurs when the parent, guardian, or other person responsible for the child’s welfare fails to supply the child with adequate food, clothing, shelter, education as required by law, supervision appropriate to the child’s age and development, or health care even though financially able to do so or offered financial or other reasonable means to do so, and the failure to do so has caused or presents a substantial risk of causing physical or mental injury.”	✓	—
SD	S.D. Codified Laws § 26-8A-2	“The term ‘abused or neglected child’ includes a child: ■ Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child’s health, guidance, or well-being.”	✓	—
TN	Tenn. Code Ann. § 37-1-102	“ ‘Dependent and neglected child’ means a child: ■ Whose parent or guardian neglects or refuses to provide necessary medical, surgical, institutional, or hospital care.”	✓	—
TX	Tex. Fam. Code § 261.001	“ ‘Neglect’ means the following acts or omissions by the person responsible for a child’s care, custody, or welfare: ■ Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury, or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.”	✓	—
UT	Utah Code § 78A-6-105	“ ‘Medical neglect’ means failure or refusal to provide proper or necessary medical, dental, or mental health care or to comply with the recommendations of a medical, dental, or mental health professional necessary to the child’s health, safety, or well-being.”	✓	✓
VT	Vt. Stat. Ann. tit. 33, § 4912	“ ‘Harm’ can occur by failure to supply the child with adequate food, clothing, shelter, or health care. As used in this subchapter, ‘adequate health care’ includes any medical or nonmedical remedial health care permitted or authorized under State law.”	✓	—
VA	22VAC40-705-30; Va. Code Ann. § 63.2-100	“ ‘Abused or neglected child’ means any child younger than age 18: ■ Whose parents or other person responsible for his or her care neglects or refuses to provide care necessary for his or her health. ■ Necessary dental care or treatment. Medical neglect includes a caretaker’s failure to provide or allow necessary dental treatment or care for a child. Necessary dental care does not include preventive dental care.”	✓	✓
WA	Wash. Rev. Code § 26.44.020; Wash Rev. Code § 9A.42.100	“ ‘Negligent treatment or maltreatment’ means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child’s health, welfare, or safety, including but not limited to conduct prohibited under § 9A.42.100.”	✓	—
WV	W. Va. Code § 49-1-201	“ ‘Neglected child’ means a child: ■ Whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education.”	✓	—
WI	Wis. Adm. Code DHS § 88.02	“ ‘Neglect’ means failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.”	✓	✓
WY	Wyo. Stat. Ann., § 14-3-202	“ ‘Neglect’ means a failure or refusal by those responsible for the child’s welfare to provide adequate care; maintenance; supervision; education; or medical, surgical, or any other care necessary for the child’s well-being.”	✓	—
<b>Total, %</b>			88	16