



Bipartisan Policy Center

Defining and Reporting Child Neglect: Recent State Legislative Activity

April 2025

AUTHOR

Stephen Christian

Table of Contents

1	INTRODUCTION
	Findings

7	CONCLUSION
---	-------------------

8	ENDNOTES
---	-----------------

A recent [report](#) from the Bipartisan Policy Center’s Child Welfare Initiative collected and compared state statutory definitions of child abuse and neglect. That report presented a snapshot of current law. State legislators regularly update their statutes to reflect changing priorities and circumstances. Here, we compare changes that states considered and made between 2021 and 2024. The findings highlight where state legislators are directing their attention and collaborating—in many cases, across the aisle—to protect child safety.

Introduction

The United States does not have a universal definition of child “abuse” or “neglect.” States, with minimal guidance from the federal government, have primary responsibility for defining these terms. This results in [significant variation across the country](#) in determining when government intervention is warranted in child welfare cases.

Neglect is the most common type of child maltreatment reported to child welfare agencies and is also the most challenging to define.¹ In recent years, state legislators across the country have taken bipartisan steps to revise their statutes on neglect, including what constitutes neglect as well as when instances of neglect should be reported to child protective services.

A key theme that emerges from state legislative activity on child neglect is policymakers’ attempts to balance the [widely shared goals](#) of protecting children’s safety and respecting family autonomy and the parent-child bond. This paper analyzes legislation by key issues and highlights specific state bills, both introduced and passed.

FINDINGS

Over the four-year period examined, most state legislatures considered changing their neglect statutes.² Fifty-two bills were introduced in 26 states and the District of Columbia, and 15 bills were passed.^a Both Republican and Democratic lawmakers have been active in altering definitions of neglect, with 24 bills introduced by Republicans and 22 by Democrats; bipartisan sponsors introduced six bills.

^a Although the total number of bills is 52, bills in CA, KY, IL, TX, and VT had at least two relevant provisions that were assigned to different categories, with each provision being counted as a bill in the description of legislative activity.

- **Topline:** Legislators from both parties introduced bills to revise their state’s neglect statutes. The vast majority of the bills introduced, and all the bills that were passed, sought to narrow states’ definitions of neglect:
 - *Narrowing neglect definitions, reporting requirements, or agency authority* (26). Legislators introduced 26 bills designed to clarify and limit parental behaviors that may be considered neglect and warrant government intervention. In a number of states, legislators introduced explicit exceptions in neglect statutes to specify certain circumstances that do not constitute neglect. This includes prenatal substance exposure, parents’ marijuana use, domestic violence situations, poverty, and allowing children to engage in age-appropriate independent activities (free range parenting). Other states raised the risk threshold for agency intervention in neglect cases.
 - Twelve of the 26 bills limiting the scope of child neglect definitions—either by narrowing the definitions or creating exceptions—were passed.
 - *Widening neglect definitions* (9). Of the nine bills that expanded the definition of neglect, seven sought to include additional circumstances that would constitute neglect, such as prenatal substance exposure and human trafficking. None of the bills passed.
- **Issue: Level of Risk and Harm.** State definitions of child neglect may describe the level of risk to a child that warrants government intervention. States vary in their risk thresholds and use different terminology to describe these thresholds (a separate BPC report explains the thresholds in more detail).
- **Legislative Activity:** Multiple bills focused on setting an appropriate risk threshold that articulated when agency intervention was warranted. These legislative deliberations occurred in the context of wanting to avoid unnecessary involvement of families in child protective services. Four states passed such bills (AZ, AR, CA, TX); four additional states (CT, IL, MI, VT) had legislation introduced but not enacted.
 - **Bills Passed** (4)
 - **Arizona:** replacing “unreasonable risk of harm” with “substantial risk of harm.”
 - **Arkansas:** limiting “failure to protect” to situations resulting in serious bodily injury and removing “parental unfitness” from the list of conditions from which a parent is expected to protect a child.
 - **California:** limiting the definition of “general neglect” to circumstances in which the child is at “substantial risk of serious harm.”

- **Texas:** amending the definition of “neglect” to add that a parent’s behavior must show “blatant disregard” for the consequences to the child, and to require that a parent’s acts or failure to act result in harm or place the child in “immediate danger,” rather than “substantial risk” of harm.
- Bills Introduced, Not Passed (4)
 - **Connecticut:** limiting the definition of “neglect” to situations that present “obvious danger” to a child.
 - **Illinois:** modifying the definition of “injurious to the welfare” to require a showing of likelihood of moderate or severe harm.
 - **Michigan:** adding “threatened harm” to the definition of neglect.
 - **Vermont:** amending “risk of harm” to require that a child will likely suffer serious physical harm or sexual abuse.
- **Issue: Inadequate Supervision.** In many states, inadequate supervision accounts for the majority of neglect reports.³ Context is critical in these cases, and state legislative efforts indicate that states are reexamining the context.
- Legislative Activity: Five states (CO, IL, MT, TX, VA) enacted laws granting families more leeway to give children independent experiences without fear of government intrusion; an additional six states (CT, KY, NE, NV, NH, VT) had legislation introduced but not passed.
 - Bills Passed (5)
 - **Colorado, Illinois, Montana, Texas, and Virginia:** adopting “free range parenting” policies specifying that allowing a child to engage in age-appropriate activities does not constitute neglect.
 - **Illinois:** Specifying contextual factors to be considered in determining inadequate supervision.
 - Bills Introduced, Not Passed (6)
 - **Connecticut, Kentucky, Nebraska, Nevada, and New Hampshire:** adopting free range parenting policies.
 - **Vermont:** removing failure to supervise in the definition of risk of harm.
- **Issue: Differentiating Poverty from Neglect.** Nationally, the majority of neglect reports involve families in poverty. Research shows that poverty presents risks to children’s development and well-being, yet most low-income parents do not neglect or abuse their children. Responding to concerns that parents challenged by poverty may be mistakenly seen as

neglecting their children, state legislators have introduced numerous bills to clarify that poverty alone does not constitute neglect.⁴

- **Legislative Activity:** Three states (CA, KY, MS) passed bills expressing legislators' belief that poverty alone does not constitute neglect. Four states (IL, MT, NY, VT) considered, but did not pass, legislation about poverty and neglect.
 - **Bills Passed (3)**
 - **California, Kentucky, and Mississippi:** excepting failure to provide necessities due to poverty from the definition of neglect.
 - **Bills Introduced, Not Passed (4)**
 - **Illinois:** adding a poverty exception to the neglect definition.
 - **Montana:** excepting "disorderly living conditions, other factors closely related to economic status" from the definition of child abuse or neglect.
 - **New York:** prohibiting taking a child into protective custody based solely on conditions of poverty, absent parental negligence, willful failure to act, or a risk of serious harm to child.
 - **Vermont:** excepting inadequate housing from the definition of neglect.
- **Issue: Parental Substance Use.** Legislators differ on when parental substance use and its impact on children should constitute neglect. With marijuana legalized in many states for recreational or medical use, legislators are asking when, if ever, does such use endanger children. Legislators are also considering how to address substance use during pregnancy. They want to ensure that children are safe after birth while not discouraging expectant mothers from seeking treatment for fear of losing custody of their child.
- **Legislative Activity:** Reflecting a range of perspectives on parental substance use, legislators introduced bills that both limit and widen the definition of neglect in cases of parental substance use. One state (MD) passed legislation to limit the definition; six additional states (AZ, FL, IL, MN, MT, VA) introduced but did not pass legislation limiting the definition of neglect in cases of parental substance use. Five states (KY, NM, NC, SD, WA) had legislation introduced but not passed expanding the definition of neglect in cases of parental substance use.
 - **Passed Bills (1)**
 - **Maryland:** providing that a parent's use of marijuana, by itself, does not constitute neglect.

- **Bills Introduced, Not Passed (13)**
 - **Arizona:** providing that participation in substance use treatment is a mitigating factor in cases of alleged neglect.
 - **Florida:** prohibiting a presumption of neglect based on a parent's status as a certified medical marijuana user.
 - **Illinois, Minnesota, Montana, and Virginia:** providing that parental substance use, by itself, does not constitute neglect unless it poses a risk of harm to a child.
 - **Illinois:** removing from the definition of "neglected child" any newborn whose blood, urine, or meconium contains any amount of a controlled substance.
 - **Kentucky:** creating a definition of "neglected child" that adds failure to protect a child from exposure to use, possession, sale, or manufacture of illegal drugs, or from exposure prenatally to chronic or severe use of alcohol or any controlled substances.
 - **Minnesota:** providing that a pregnant woman's withdrawal symptoms or participation in a substance use disorder treatment program shall not alone constitute neglect.
 - **New Mexico:** adding prenatal substance exposure to the definition of abuse or neglect.
 - **North Carolina:** adding to the definition of "neglected juvenile" the parental use of a substance that renders the parent unable to provide a safe and appropriate home; it also adds the use of a substance in violation of law while a child is in utero.
 - **South Dakota:** adding exposure to marijuana in the definition of abuse and neglect.
 - **Washington:** providing that use of a controlled substance by a parent while caring for a child constitutes reasonable grounds to believe that removal is necessary.
- **Issue: Mandatory Reporting.** Federal law requires states to have policies that specify who is required (mandated) to report suspected child abuse or neglect. State legislation reflects lawmakers' focus on ensuring that mandatory reporters can appropriately balance the dual interests of child safety and family autonomy.
- **Legislative Activity:** Legislation on mandatory reporting spans several topics, including clarifications on what must be reported, the training of mandatory reporters, and alternatives/options to refer families to community-based services in lieu of the child welfare agency.
- **Bills Passed (1)**
 - **Colorado:** creating a Mandatory Reporter Task Force in the Office of the Child Protection Ombudsman to analyze best practices

and recommend changes to training requirements and reporting procedures; legislative finding that reports of neglect can be influenced by bias and adversely affect poor families.

- **Bills Introduced, Not Passed (7)**
 - **California:** authorizing mandated reporters to report cases of general neglect to a community-based agency or service provider.
 - **Illinois, Massachusetts:** removing the requirement for reporting of substance-exposed newborns.
 - **Massachusetts:** requiring reporter training on implicit bias, the prevention of over-reporting, ways to address concerns that do not rise to the level of child maltreatment, and the difference between poverty and neglect.
 - **New York:** creating a mandatory-reporting task force to provide recommendations on best practices to support families to prevent child welfare system involvement; the task force is also to recommend ways to determine best practices for mitigating any adverse childhood experiences incurred as a result of the child welfare system's involvement.
 - **Texas:** limiting the requirement that health care providers report a pregnant woman's substance use.
 - **Texas:** providing that a mandatory reporter is not required to report concerns that are related solely to a child's behavior, truancy, or conditions of poverty and that do not adversely affect the child's physical or mental health or welfare. The concerns include a lack of adequate clothing, housing instability, or lack of utilities in the child's home. The bill allows a mandatory reporter to refer a family to a community-based prevention or family preservation services provider instead of the state Department of Family and Protective Services.
- **Other Issues:** Policies on child neglect span a breadth of issues that state legislatures are grappling with, including special circumstances such as parental incarceration, spiritual treatment issues, educational neglect, and the implications of domestic violence. The bills highlighted in this section reflect the wide-ranging and evolving landscape of child welfare policymaking.
- **Legislative Activity:** In addition to the issues described above, legislators in nine states introduced bills on an array of topics that further illustrate legislators' interest in child neglect matters.
 - **Bills Passed (1)**
 - **Montana:** providing that a parent's inability to control a child's behavior does not constitute neglect.

- Bills Introduced, Not Passed (9)
 - **District of Columbia:** removing the spiritual treatment exception to medical neglect.
 - **Kentucky:** raising the standard of evidence of neglect from preponderance to clear and convincing, and removing neglect as a ground for the termination of parental rights.
 - **Kentucky:** adding parental incarceration to the definition of neglect.
 - **Maryland:** establishing a rebuttable presumption that neglect does not include certain behaviors on the part of a victim of domestic violence.
 - **Minnesota:** authorizing a “discretionary child welfare response” to reports of educational neglect, which must include services to the child and family to address school attendance concerns and which are tailored to the needs of the child and family.
 - **Minnesota:** making failure to provide a language-rich environment a form of neglect.
 - **Oklahoma:** removing from the definition of neglect the failure to provide “adequate nurturance and affection.”
 - **South Dakota:** adding human trafficking to the definition of neglect.
 - **Texas:** providing that a parent’s refusal to administer psychotropic medication to a child does not constitute neglect.

Conclusion

Recent state legislative efforts reflect a strong interest in, and a growing bipartisan focus on, clarifying and refining child neglect statutes to better align with research, best practices, and a better understanding of the complex challenges that bring families to the attention of child welfare agencies. Lawmakers across the country have worked to revise definitions of neglect, including by differentiating poverty from neglect; grappling to understand if, when, and how parental substance use threatens a child’s safety or well-being; taking steps to make sure mandatory reporters are better trained; and considering multiple other facets of policies that govern child neglect laws and practices. These efforts reflect legislators’ interest in prioritizing both child safety and the preservation of family integrity. As debates continue and new proposals emerge, state legislatures remain a key arena for shaping how society balances protection with support, and how it defines and responds to the complex realities of child neglect in the United States.

Endnotes

- 1 Stephen Christian, “How States Define Child Neglect: A 50-State Review,” Bipartisan Policy Center, April 2025. Available at: [hyperlink TK]
- 2 BPC identified bills introduced in 2022 and 2023 as part of its more comprehensive analysis of all state child welfare legislation. See Stephen Christian and Rob Geen, “Bipartisanship Across the Nation: A Review of State Child Welfare Legislation,” Bipartisan Policy Center, December 19, 2023. Available at: <https://bipartisanpolicy.org/report/child-welfare-legislation-national-review/>. BPC supplemented this analysis with a separate search for 2024 neglect-related bills.
- 3 Children’s Bureau, “Child Maltreatment,” Administration for Children and Families, Administration on Children, Youth and Families, U.S. Department of Health and Human Services, 2023. Available at: <https://www.acf.hhs.gov/cb/data-research/child-maltreatment>.
- 4 Congress also recently passed legislation requiring states to have policies that differentiate between poverty and neglect. See Supporting America’s Children and Families Act, P.L. 118-258, sec. 111. <https://www.congress.gov/118/plaws/publ258/PLAW-118publ258.pdf>.



Bipartisan Policy Center

1225 Eye St NW, Suite 1000
Washington, DC 20005

bipartisanpolicy.org

202 - 204 - 2400

The Bipartisan Policy Center helps policymakers work across party lines to craft bipartisan solutions. By connecting lawmakers across the entire political spectrum, delivering data and context, negotiating policy details, and creating space for bipartisan collaboration, we ensure democracy can function on behalf of all Americans.

✕ [@BPC_Bipartisan](#)

f facebook.com/BipartisanPolicyCenter

📷 instagram.com/BPC_Bipartisan

in linkedin.com/company/bipartisan-policy-center

Policy Areas

Economy and Health

Energy

Human Capital

Health

Housing

Democracy



Bipartisan Policy Center

1225 Eye Street NW, Suite 1000
Washington, D.C. 20005