

Michigan House of Representatives
Committee on Families, Children and Seniors
House Bill 4783 - Vulnerable Child Bill
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Committee Chair Crawford, Majority Vice-Chair Rendon, and distinguished members of the Committee, thank you for accepting this testimony in favor of House Bill 4783. While I wish I could be present before you to give this testimony, I appreciate the opportunity to share my thoughts and advocate for better protections for Michigan's most vulnerable children.

I recently graduated from the University of Michigan School of Social Work with a Master's degree in Social Policy with a focus on Children and Families and have since relocated to Washington, D.C. to start a job with the Department of Health and Human Services, Assistant Secretary for Planning and Evaluation working on early childhood policy.

Since 2014, I have been an advocate for child welfare: studying trauma-informed interventions, volunteering with children in foster care with severe behavioral and emotional issues due to abuse and neglect and working to help families have successful adoptions with these children that desperately need a loving family.

While I have always loved children and pursued child welfare professionally, this issue holds a special place in my heart as my older sister, Elizabeth, has a developmental disability and functions under the autism spectrum. Growing up, I witnessed firsthand how much of an impact therapy has made in my sister's life. My mother, who is Elizabeth's biggest and greatest advocate, was told to institutionalize my sister when she was four months old because of her diagnosis; the doctors believed she would likely never amount to anything and live her life in a vegetative state. My sister is far from any of these things! Elizabeth, who is now a high-functioning adult, has overcome so many obstacles because she received therapy and social services from a multitude of therapists and behavioral technicians who never gave up on her.

In the following testimony, I will provide an overview of the problem at hand, why it needs to be addressed, and how this proposed legislation, HB 4783, can help.

Introduction

While pursuing my MSW, I had the opportunity to work at the Monroe County Department of Health and Human Services (DHHS) for a year. It was during this time that I was first introduced

to Representative Kahle and issues that inspired the Vulnerable Child Bill. Since 2019, I have been in contact with Representative Kahle and her legislative team to advance this piece of legislation.

As I'm sure you know, four children with developmental disabilities in Lenawee County were abused at the hands of behavioral technicians in 2018. Instead of providing vital therapy services, these 'technicians' caused more harm, trauma, and developmental setbacks. All of these children were autistic and many were nonverbal. The only reason this abuse was discovered was because it was caught on video.

Children with disabilities are at an increased risk for experiencing maltreatment compared to the general population and multiple factors influence this. Each year, MDHHS lays out a comprehensive Child and Family Services Plan, which sets goals for Michigan's Children Services Agencies for the upcoming five years. Within this plan, MDHHS identified the population at the greatest risk of maltreatment as "children ages 3 and younger living with their biological parents, constituting 38 percent of total child victims" based upon data from MiSACWIS, a case management tool for child welfare in Michigan (Children's Services Agency, 2019). According to the 2020-2024 Child and Family Services Plan (2019), MiSACWIS can identify demographic information, including disability status, but only for children currently in foster care or those who have been within the immediately preceding 12 months.

Apart from children in foster care, Michigan's Department of Health and Human Services does not keep track of children with disabilities that come in contact with Children's Protective Services. County Directors receive monthly fact sheets that include demographic information, but disability status is not noted. MDHHS lacks data to correlate the number of children with disabilities and who are victims of abuse or neglect within the state. Therefore, children with disabilities are overlooked as being considered the population at greatest risk of maltreatment.

While this specific data does not exist, there are nearly 2.2 million children in the state as of 2018 (Kids Count Data Center, 2019). Out of this child population, 40,345 children ages 0-17 are confirmed victims of abuse and neglect (Kids Count Data Center, n.d.b), yet many cases of abuse and neglect are never substantiated. With 208,525 children and young adults ages 0-26 in special education in Michigan, the state has a large number of youth with disabilities who may be overlooked when considering risk of maltreatment (Kids Count Data Center, n.d.a). Therefore, children with disabilities who are experiencing abuse or neglect could be a significant part of Michigan's child population but go unnoticed.

Representative Bronna Kahle from District 57 has proposed a plan to address this issue of vulnerable children being abused and not having adequate protections to keep them safe. This

comes in the form of House Bill 4783, the Vulnerable Child Bill, which adds necessary language and strengthens penalties for people who are found guilty of abusing vulnerable children, especially those who are nonverbal.

The state of Michigan needs to enact legislation that protects all of its people, especially the most vulnerable. Therefore, I strongly support and encourage the passage of House Bill 4783 into the Michigan Penal Code.

Risk and Effects of Maltreatment

Children with disabilities are at a greater risk than the general population for being victims of maltreatment. The most comprehensive study looking into this is now 20 years old; it found children with disabilities 3.4 times more likely to be maltreated than children without disabilities (Sullivan & Knutson, 2000). Other studies, also dated, find ranges of maltreatment from disabled children between 1.5 to 10 times more than their non-disabled counterparts. (Bissada, Miller, Wiper & Oya, 2000). Regardless of the exact number, children with disabilities are an incredibly vulnerable population at a greater risk for experiencing maltreatment.

Maltreatment perpetrated against children with disabilities varies. Factors such as type of disability and disability characteristics influence a child's risk of maltreatment. According to the CDC (2019), children with behavior or conduct problems, such as attention deficit hyperactivity disorder, are at a higher risk of experiencing physical abuse, whereas children who are dependent upon adults for care or who have communication difficulties are at a higher risk of being neglected or sexually abused.

In the Lenawee County case, all of the child victims are on the autism spectrum and some are nonverbal. Autism Spectrum Disorder (ASD) is a neurodevelopmental disorder characterized by social communication difficulties and restricted, repetitive behaviors (American Psychological Association, n.d.). According to a recent study by McDonnell et. al (2019), children diagnosed with autism spectrum disorder and/or an intellectual disability are two to three times more likely to experience maltreatment. Another study found that children with autism spectrum disorder are at an elevated risk for foster care involvement (Cidav, Xie, & Mandell, 2018).

We know that parents can become easily stressed and frustrated by the demands of caring for a child with autism, which can lead to maltreatment (Centers for Disease Control and Prevention, 2019); yet, we expect better from people who are providing vital behavioral and therapy services. All of these children were verbally and physically assaulted by 'behavioral technicians' who were supposed to aiding the children's development instead of hindering it and causing more behavioral challenges. Further, these children were nonverbal and could not tell anyone what was happening to them.

Regardless of ability status, many children never disclose their abuse for a multitude of reasons. One reason is that children with communication difficulties, such as being nonverbal or having difficulty hearing, can easily be taken advantage of. These children either have extra barriers to disclosing abuse or cannot verbally do so. Caregivers of children with disabilities may have to look for other indicators of abuse, such as behavioral changes including avoidance of particular places or people, social withdrawal, or developmental regression (Autism Speaks, n.d.). However, some behavioral indicators of maltreatment may also be characteristics of the child's disability, making it difficult to distinguish signs of abuse (Lightfoot, 2014).

While these other indicators may not be readily apparent, maltreatment can have lifelong impacts on children, with consequences for physical and mental health, behavior, and others (Child Welfare Information Gateway, 2019). For example, maltreatment during childhood can lead to an increased risk for numerous health problems such as diabetes, lung disease, high blood pressure, and brain damage (Child Welfare Information Gateway, 2019). Maltreatment of children with ASD leads to more intrusive thoughts, distressing memories, loss of interest, and irritability (Brenner, Pan, Mazefsky, Smith & Gabriels, 2017). Further psychological consequences include diminished executive function and cognitive skills, which can have significant development implications for children with disabilities (Child Welfare Information Gateway, 2019). Children often display behavioral difficulties, even after the abuse ends. For example, the children who were abused in Lenawee now have behavioral problems, such as hitting other children, that were previously not present.

Child maltreatment in itself is problematic, but the consequences of child abuse are long-lasting and can be lifelong. Given the heightened risk of maltreatment in children with disabilities and the vulnerability of this population, instituting protections to keep children with disabilities safe from harm is of utmost importance.

Unique Risks

Some risk factors for maltreatment are also reasons that children with disabilities experience abuse at higher rates. For example, some children with disabilities have limited ability to protect themselves or they may not understand what maltreatment is (Child Welfare Information Gateway, 2018). Children with disabilities are often taught to obey the people who take care of them and children that are dependent upon adults for care are at a higher risk for maltreatment. This is especially problematic because upwards of 80% of people who perpetrate abuse towards children with disabilities are known to the child, including people on whom the child depends on such as family members, caregivers, or therapists and other service providers (Bissada, Miller, Wiper & Oya, 2000).

Some people believe that the Vulnerable Child Bill should be more similar to the Vulnerable Adult statutes that currently exist in Michigan; however, distinguishing these two pieces of legislation is important. While both address the same population at large (people with disabilities) and issue (maltreatment), there are several key differences that should be considered:

- First, the perpetrator of abuse is generally different between children and adults with disabilities. Children with disabilities are most often maltreated by family members, whereas adults with disabilities are most often maltreated by paid caregivers not part of the family (Lightfoot, 2014).
- Second, children with disabilities tend to be more dependent upon adults for care, whereas not all adults who are considered vulnerable are fully dependent upon caregivers to function in the world.
- Third, the intent of the perpetrator may not be the same when maltreating a child versus an adult. Children with disabilities may experience abuse because they are vulnerable whereas adults with disabilities may experience abuse because there is something to gain, such as money in financial abuse. Similarly, adults with disabilities can experience types of abuse that are not applicable to children; nobody abuses a child for financial gain.

Finally, these statutes are also different because the Vulnerable Adult statute of 1931 includes a much broader definition of who qualifies as “vulnerable” under this legislation, including “an individual age 18 and older who, because of age, developmental disability, mental illness, or physical disability” In Michigan, adults can be considered vulnerable due to advanced age. While all children are vulnerable because they need to rely on adults for care and to meet their basic needs, this is further exacerbated in children with disabilities.

Justice and Child Welfare

There are a number of federal policies instituted to protect the rights of children with disabilities, such as the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA), yet protections for children with disabilities within the justice system and child welfare system are lacking. Currently, there are no protections to keep children with disabilities safe from abuse within the state of Michigan.

Since child welfare services are implemented at a state and local level, it is imperative that Michigan’s child welfare system is sensitive to the unique needs of children with disabilities. Maltreatment in children with disabilities may be difficult for others to assess because of the child’s disability, particularly among child welfare workers who have limited knowledge about disability (Lightfoot, 2014). This can present challenges when investigating claims of abuse and neglect as MDHHS relies on other people to determine if abuse has occurred against a child with a disability. Within the MDHHS Child Protective Services Policy Manuals (2020), caseworkers investigating abuse of a ‘vulnerable child’ must contact one or more people

with knowledge of the child's needs to determine concerns regarding potential child abuse and the caregiver's ability to meet the needs of the child. Children who are nonverbal are especially vulnerable during investigation since they cannot disclose their abuse and behavioral indicators of maltreatment can be misinterpreted.

Further, statutes detailing services and protections for children with disabilities can differ substantially from state to state, so it is important that Michigan has policies in place to protect the rights of children with disabilities. According to disability justice advocates, people with disabilities are less likely to access the justice system (Disability Justice, n.d.). Without protections, children with disabilities and their families are vulnerable to inadequate representation. This was a factor in the Lenawee County investigation process as prosecutors felt they could not adequately bring justice to this case due to lack of legislation addressing this issue.

Language Matters

The language we use matters, especially when determining laws that govern protections and rights. Children with disabilities are not able to have the same rights and protections as everyone else unless there is specific language to indicate this within the law. Without this language present in the Michigan Penal Code, children with disabilities, especially nonverbal children, will not be able to be legally recognized and protected in the face of the law and adequate justice cannot be administered when abuse occurs.

In 2019, I conducted a literature review of the criminal codes of all fifty states to assess how children with disabilities are regarded within state legislation, if at all (see Appendix A). Specifically, I was looking for whether or not state criminal codes contained definitions for children with disabilities or "vulnerable children." I found that only one state, Tennessee, specifically uses the 'vulnerable child' language, and four others, Illinois, Indiana, Ohio, and Utah, often protections for children with disabilities.

There are 14 other states that utilize other classifications within their criminal codes to offer protections for children with disabilities such as "incompetent person," "at-risk juvenile," "dependent person" or "special victim" to name a few. While these states offer protections for children with disabilities, some of the language used is dehumanizing and devalues the lives of children with disabilities. Additionally, many of these states do not further define or classify what a disability is; therefore, these laws can be up for interpretation. Further, multiple states, including Michigan, offer criminal protections for vulnerable adults, but fail to offer the same protections for children with disabilities. Further, few states offer specific language within their statutes prohibiting discrimination based on disability and child maltreatment (Lightfoot, 2014).

Michigan could take the lead in this area. The proposed legislation by Representative Kale is a necessary first step in keeping Michigan's most vulnerable children safe as this Bill will add important language to the Michigan Penal Code that is currently lacking. As of now, neither the Michigan Penal Code nor Michigan's Child Protection Law contains language to define terms such as "vulnerable child," "developmental disability," "mental illness," or "physical disability." Without this language, child protective services and prosecutors are unable and unequipped to adequately bring justice to these horrific instances of abuse involving children with disabilities.

With the passage of this legislation, Michigan can be a frontrunner in setting equitable rights and standards to protect some of the most vulnerable among us.

Recommendation

House Bill 4783, the Vulnerable Child Bill, should be enacted into Michigan's Penal Code. Children with disabilities are at a greater risk for experiencing maltreatment than the general child population yet they do not have protections to keep them safe from abuse within the state of Michigan. This Bill seeks to remedy that and bring justice and equitable representation to children with disabilities.

Further, this Bill adds important language to the Michigan Penal Code that is currently lacking. Children with disabilities, especially nonverbal children, will be able to be legally recognized and protected in the face of the law and adequate justice can be administered when abuse occurs. Without this language present in the Michigan Penal Code, vulnerable children are not adequately represented under state law.

Finally, this legislation can serve as a stepping stone for further actions that educate service providers and strengthen support systems of those who care for Michigan's most vulnerable children. The story behind the Vulnerable Child Bill, albeit tragic, elevates the need for continued action beyond the passage of this legislation.

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Appendix A

The following document is intended to aid the proposed Vulnerable Child Bill by Representative Bronna Kahle, District 57. This document looks at the criminal or penal code of all fifty states and how children are talked about within the legislation. Specifically, this document addresses whether or not state criminal codes include definitions for children with disabilities or “vulnerable children.”

The following page includes a table of all fifty states and whether they have Vulnerable Child, Vulnerable Adult, or Alternate Classifications for children with disabilities within their criminal protections. A majority of states within the United States have criminal protections for vulnerable adults, but do not have the same protections for children with disabilities. Children with disabilities are some of the most vulnerable people among the US population and deserve to have equal protections. States were determined to be “Vulnerable Child” if the law specifically mentions children with disabilities or takes into consideration the mental and physical capacities of the child. “Alternate Classifications” were determined by states that use alternate language or separate protections for children and individuals with disabilities. This was significant to note because the legislation is still there.

The pages following the table discuss the specific legislations of states determined to have Vulnerable Child or Alternate Classification laws and the definitions within each.

STATE	VULNERABLE CHILD STATUTE	VULNERABLE ADULT STATUTE	ALTERNATE CLASSIFICATION
NUMBER OF STATES	5	37	14
<i>ALABAMA</i>			
<i>ALASKA</i>		√	
<i>ARIZONA</i>		√	√
<i>ARKANSAS</i>	*	√	√
<i>CALIFORNIA</i>		√	
<i>COLORADO</i>	*	√	√
<i>CONNECTICUT</i>			
<i>DELAWARE</i>		√	
<i>FLORIDA</i>		√	
<i>GEORGIA</i>		√	
<i>HAWAII</i>	*	√	√
<i>IDAHO</i>		√	
<i>ILLINOIS</i>	√		√
<i>INDIANA</i>	√	√	
<i>IOWA</i>	*		√
<i>KANSAS</i>		√	
<i>KENTUCKY</i>	*	√	√
<i>LOUISIANA</i>		√	
<i>MAINE</i>	*	√	√
<i>MARYLAND</i>		√	
<i>MASSACHUSETTS</i>	*	√	√
<i>MICHIGAN</i>		√	
<i>MINNESOTA</i>		√	
<i>MISSISSIPPI</i>			
<i>MISSOURI</i>	*	√	√
<i>MONTANA</i>			
<i>NEBRASKA</i>		√	
<i>NEVADA</i>		√	
<i>NEW HAMPSHIRE</i>	*	√	√
<i>NEW JERSEY</i>		√	
<i>NEW MEXICO</i>			
<i>NEW YORK</i>	*	√	√
<i>NORTH CAROLINA</i>			
<i>NORTH DAKOTA</i>		√	
<i>OHIO</i>	√		
<i>OKLAHOMA</i>		√	
<i>OREGON</i>			
<i>PENNSYLVANIA</i>		√	
<i>RHODE ISLAND</i>		√	
<i>SOUTH CAROLINA</i>		√	
<i>SOUTH DAKOTA</i>		√	
<i>TENNESSEE</i>	√		
<i>TEXAS</i>			
<i>UTAH</i>	√	√	
<i>VERMONT</i>	*	√	√
<i>VIRGINIA</i>		√	
<i>WASHINGTON</i>	*		√
<i>WEST VIRGINIA</i>		√	
<i>WISCONSIN</i>		√	
<i>WYOMING</i>		√	

VULNERABLE CHILD LEGISLATION

ILLINOIS

720 ILCS 5/12C-10. Child abandonment.

Under Illinois' Criminal Offenses determining harms to children, the statute regarding Child Abandonment takes into consideration the "mental or physical health, safety, or welfare" of the child. For the purpose of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, *special needs of the child are taken into account including whether the child is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications.* While this definition is specific to child abandonment, the ability status of the child is directly considered within the legislation.

INDIANA

IN Code § 35-46-1-1. Definitions.

IN Code § 35-46-1-4. Neglect of a dependent; child selling.

IN Code § 35-46-1-13. Battery, neglect, or exploitation of endangered adult or person with mental or physical disability; failure to report; unlawful disclosure; referrals; retaliation.

Under Indiana's Criminal Law, a "dependent" is defined as (1) an unemancipated person who is under eighteen (18) years of age; or (2) *a person of any age who has a mental or physical disability.* The laws protecting dependents and people with disabilities are separate under Indiana's Criminal Law. However, there are still protections for people with disabilities and the language used within Indiana's Criminal Law encompasses children. While the "vulnerable child" language is not specifically used, these laws state "a person of any age" with a disability, which includes children.

OHIO

Ohio Rev. Code § 2919.22. Endangering children.

Ohio's Criminal Code does not have a separate law regarding protections for children with disabilities; however, protections for children with disabilities are written into Section 2919.22 regarding Endangering Children. This statute reads, (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or *a mentally or physically handicapped child under twenty-one years of age*, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support.... While this legislation does not use the "vulnerable child" language, this law directly offers protections for children with disabilities.

TENNESSEE

TN Code § 39-15-402. Haley's law; aggravated child abuse and aggravated child neglect or endangerment; definitions.

Tennessee's Criminal Code does not have a separate law regarding protections for children with disabilities; however, protections for children with disabilities are written into Haley's Law

regarding aggravated child abuse and neglect. This statute reads, (b) A violation of this section is a Class B felony; provided, however, that, if the abused, neglected or endangered child is eight (8) years of age or less, or *is vulnerable because the victim is mentally defective, mentally incapacitated or suffers from a physical disability*, the penalty is a Class A felony. This legislation specifically uses the language of a “vulnerable child” due to disability.

UTAH

UT Code § 76-5-109. Child abuse and child abandonment.

UT Code § 76-5-110. Abuse or neglect of a child with a disability.

Utah’s Criminal Code has specific legislation protecting children with disabilities, in addition to other protections for children against abuse and neglect. Section 110 defines a “child with a disability” as *any person under 18 years of age who is impaired because of mental illness, mental deficiency, physical illness or disability*, or other cause, to the extent that the person is unable to care for the person's own personal safety or to provide necessities such as food, shelter, clothing, and medical care. Abuse or neglect of a child with a disability in Utah is guilty of a third degree felony.

ALTERNATE CLASSIFICATIONS

The following list denotes the various ways in which states have defined “vulnerable child” in a different manner within their criminal code. While you could make arguments that some of the following states do have “vulnerable child” legislation, for the purposes of this document, they have been classified alternatively due to how terms are defined or how legislation is separated. Not all of the following states have criminal protections for children with disabilities who have been abused and neglected; however, they are listed because their legislation was notable for another reason.

ARIZONA

AZ Rev. Stat. § 13-3623. Child or vulnerable adult abuse; emotional abuse; classification; exceptions; definitions.

Arizona does not have a definition for a “vulnerable child” in their criminal code nor are there are criminal protections for children with disabilities. However, Arizona’s “vulnerable adult” statute is under the same legislation as their child abuse statute. Arizona is the only state that connects these two statutes.

ARKANSAS

AR Code § 5-25-101. Definitions.

AR Code § 5-27-201. Endangering the welfare of an incompetent person in the first degree.

AR Code § 5-27-205. Endangering the welfare of a minor in the first degree.

AR Code § 5-28-101. Definitions.

Chapter 27 of Title 5 Criminal Offenses contains legislation for Offenses Against Children or Incompetents. While Arkansas does not use the “vulnerable child” language, there are criminal protections for children or incompetents. Pertaining to Arkansas’ Criminal Offenses, a “minor” means any person under eighteen (18) years of age, and an “incompetent” means any person unable to care for himself or herself because of physical or mental disease or defect. While the definition and protections for an incompetent person and a minor are not connected under the same statute, these definitions are separate from Arkansas’ protections for vulnerable adults. Abuse of Adults is found in Chapter 28 of Arkansas’ Criminal Offenses.

COLORADO

CO Rev. Stat. § 18-6-401. Child abuse.

CO Rev. Stat. § 18-6.5-102. Definitions.

CO Rev. Stat. § 18-6.5-103. Crimes against at-risk persons – classifications.

Colorado’s Criminal Code outlines protections for Wrongs to At-Risk Adults. Under this article, Colorado defines “at-risk” adults, elders, juveniles, and persons. An “at-risk juvenile” means any person who is under the age of eighteen years and is a person with a disability. Colorado is the only state to define an “at-risk juvenile” as a child *and* a person with a disability. Most other states define “dependent” or “incompetent” person as a child *or* a person with a disability, denoting that these terms are not used in conjunction with each other. While Colorado has a definition for an “at-risk juvenile, this definition is used only in connection to sexual assault. Under protections for Wrongs to Children, a “child” is defined as a person under the age of sixteen years.

HAWAII

HI Rev. Stat. § 709-903.5. Endangering the welfare of a minor in the first degree.

HI Rev. Stat. § 709-905. Endangering the welfare of an incompetent person.

Hawaii’s Penal Code has protections for Offenses Against the Family and Against Incompetents. An “incompetent person” means a person who is unable to care for himself because of physical or mental disease, disorder, or defect. The definitions and protections for an incompetent person and a minor are not connected, and these statutes are completely separate from Hawaii’s protections for vulnerable adults.

ILLINOIS

720 ILCS 5/12-3.05

Sec. 12-3.05. Aggravated battery.

Under the Aggravated Battery section of Illinois’ Criminal Offenses, legislation provides protections for “a child or a person with a severe or profound intellectual disability.” A “person with a severe or profound intellectual disability” means a person (i) whose intelligence quotient does not exceed 40 or (ii) whose intelligence quotient does not exceed 55 and who suffers from

significant mental illness to the extent that the person's ability to exercise rational judgment is impaired. This definition excludes physical disabilities and other impairments. While there is not a separate definition for a “vulnerable child,” there is still language being used within the Criminal Code to protect people with certain disabilities.

IOWA

IA Code § 726.3. Neglect or abandonment of a dependent person.

Under Iowa’s Criminal Law and Procedure, Section 726.3 specifies protections for “a child, or any other person who by reason of mental or physical disability is not able to care for the person’s self.” While this could be considered “vulnerable child” legislation, the statute differentiates “child” from “any other person,” and does not indicate protections for a child with a disability.

KENTUCKY

KY Rev. Stat. § 508.100. Criminal abuse in the first degree.

KY Rev. Stat. § 530.060. Endangering welfare of minor.

KY Rev. Stat. § 530.080. Endangering the welfare of an incompetent person.

Kentucky’s Penal Code has several places that indicate protections for child and for people with disabilities; however, these specifications are separate. Under Kentucky’s Criminal abuse offenses, the language specifies protections for “a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.” Further in the protections against endangerment, there are two separate statutes for protections of a minor and an incompetent person. Kentucky defines an “incompetent person” as a person who is unable to care for himself because of mental illness or intellectual disability. This statement also does not include people with physical disabilities.

MAINE

17-A ME Rev. Stat. § 554. Endangering the welfare of a child.

17-A ME Rev. Stat. § 555. Endangering welfare of dependent person.

Maine’s Criminal Code outlines separate protections for a child and a dependent person. The definition for a child is not given within this legislation; however, a “dependent person” means a person who is wholly or partially dependent upon one or more other persons for care or support because the person suffers from a significant limitation in mobility, vision, hearing or mental function or is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. While this definition does not specify a child, the definition is the most comprehensive of any of the other states’ definitions.

MASSACHUSETTES

MA Gen. L ch 265 § 13J. Assault and battery upon a child; penalties.

MA Gen. L ch 265 § 13K. Assault and battery upon an elderly or disabled person; definition; penalties.

Massachusetts' criminal legislation has separate protections for children and the elderly or disabled persons. Under Section 13J, a "child" is defined as any person under fourteen (14) years of age. Under Section 13K, a "person with disability" means a person with a permanent or long-term physical or mental impairment that prevents or restricts the individual's ability to provide for his or her own care or protection. While these definitions are not connected, they are still separate from Massachusetts' vulnerable adult protections.

MISSOURI

MO Rev. Stat. § 565.002. Definitions

Chapter 565 of Missouri's Criminal Code regards Offenses Against the Person. Within the definitions for this chapter, a "child" is defined as a person under seventeen years of age, and a "special victim" is defined as (e) a person with a disability and (f) a vulnerable person, among other things. These terms are not further defined, which leaves the legislation ambiguous and open to interpretation. A person with a disability and a vulnerable person could or could not include a child. Sections 565.184 – 565.222 regard abuse of an elderly person, a person with a disability, or a vulnerable person. There are no sections that specifically regard abuse of a child, therefore one could argue that a child falls under the "vulnerable person" category.

NEW HAMPSHIRE

NH Rev. Stat. § 639:3. Endangering welfare of child or incompetent.

New Hampshire's Criminal Code indicates protections for a "child" or "incompetent;" however, the term "incompetent" is not further defined within the legislation whereas a child is specified to be "under 18 years of age." While these terms are within the same legislation, it is unclear who an "incompetent" is referring to and does not specify that "child" and "incompetent" are connected in any other way.

NEW YORK

NY Penal L § 260.10. Endangering the welfare of a child.

NY Penal L § 260.24. Endangering the welfare of an incompetent or physically disabled person in the second degree.

Article 260 of New York's Penal Code regards Offenses Relating to Children, Disabled Persons and Vulnerable Elderly Persons. Under this legislation, a "child" defined as being less than seventeen (17) years old, and an "incompetent" is defined as being a person who is unable to care for himself or herself because of physical disability, mental disease or defect. While there are separate laws for children and "incompetents or physically disabled persons," it is significant

that these statues are grouped together under the same section. Further these classifications are separate from the “vulnerable adult” statues.

VERMONT

13 V.S.A. § 1304. Cruelty to a child.

13 V.S.A. § 1306. Mistreatment of persons with impaired cognitive function.

Chapter 25 of Vermont’s Criminal Code regards Children and Persons Who Are Incompetent. Under this legislation, a “child” is a person under the age of sixteen (16). None of the statutes define “incompetent;” however, statute 1306 regards people with impaired cognitive function. This statute reads, “A person who willfully and maliciously teases, plagues, annoys, angers, irritates, maltreats, worries, or excites a person with a developmental or psychiatric disability or impaired cognitive function shall be imprisoned not more than one year or fined not more than \$100.00 nor less than \$5.00, or both.” This statute is unique because it does not specifically indicate abuse or neglect of a person with impaired cognitive function. Additionally, this statute also is not specific to children, and these laws are separate from Vermont’s “vulnerable adult” statues.

WASHINGTON

WA Rev. Code § 9A.42.010. Definitions.

WA Rev. Code § 9A.42.020. Criminal mistreatment in the first degree.

Under Washington’s Criminal Code, a “child” means a person under eighteen (18) years of age, and a “dependent person” means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. Washington’s Criminal Mistreatment statues reads “A parent of a child, the person entrusted with the physical custody of a child or dependent person...” While this legislation separates the terms of a child and a dependent person, these terms are still used together within the same statues.