

Comparing states' statutes on Child Welfare jurisdiction

States vary in their legal definitions of who will be investigated in cases of alleged child abuse or neglect. Following is a list of how U.S. states and territories define in statute the person(s) to be investigated.¹

Alabama

Responsible persons include the child's parent or legal guardian. The term 'responsible person' includes a child's natural parent, stepparent, adoptive parent, legal guardian, custodian or any other person who has the permanent or temporary care or custody or responsibility for the supervision of a child.

Alaska

A 'person responsible for the child's welfare' includes the following:

- The child's parent, guardian, or foster parent
- The person responsible for the child's care at the time of the alleged child abuse or neglect
- The person responsible for the child's welfare in a public or private residential agency or institution

American Samoa

Responsible persons include the following:

- A child's parent, legal guardian, or custodian
- Any employee of a residential facility
- Any staff person providing out-of-home care or under any other settings in which children are provided care
- Any other person responsible for the child's health and welfare

Arizona

Responsible persons include the following:

- The parent
- A person having care, custody, and control of a child

Arkansas

A responsible person includes the following:

- A parent, guardian, custodian, or foster parent
- A person aged 18 or older living in the home with a child, whether related or unrelated to the child
- Any person who is entrusted with the child's care by a parent, guardian, custodian, or foster parent, including, but not limited to, the following:
 - An agent or employee of a public or private residential home, child care facility, or public or private school
- A significant other of the child's parent
- Any person legally responsible for the child's welfare

The term 'significant other' means a person with whom the parent shares a household or who has a relationship with the parent that results in the person acting *in loco parentis* with respect to the parent's child or children,

¹ Data pulled and compiled May 2023 from the Child Welfare Information Gateway state statutes database search for "persons responsible for the child" to be investigated for child abuse and neglect.

regardless of living arrangements.

California

A person responsible for a child's welfare includes the child's parent or guardian. As used in this section, 'guardian' means the legal guardian of the child.

Colorado

'Intrafamilial abuse' means any case of abuse that occurs within a family context by a child's parent, stepparent, guardian, legal custodian, a relative, or a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child. 'Intrafamilial abuse' shall not include abuse by a person who is regularly in the child's home for the purpose of rendering care for the child if that person is paid for rendering care and is not related to the child.

'Responsible person' means a child's parent, legal guardian, custodian, or any other person responsible for the child's health and welfare.

'Spousal equivalent' means a person who is in a family-type living arrangement with a parent and who would be a stepparent if married to that parent.

Connecticut

Responsible persons include the child's parents or guardian.

Delaware

'Care, custody, and control' or 'those responsible for care, custody, and control' means a person or persons in a position of trust, authority, supervision, or control over a child. It may include the following:

- A parent, guardian, or custodian
- Other members of the child's family or household, meaning persons living together permanently or temporarily without regard to whether they are related to each other and without regard to the length of time or continuity of such residence and may include persons who previously lived in the household, such as paramours of a member of the child's household
- Any person who, regardless of whether a member of the child's household, is defined as family or relatives
- Persons temporarily responsible for the child's well-being or care such as a health-care provider, aide, teacher, instructor, coach, sitter, daycare or child care provider; any other person having regular direct contact with children through affiliation with a school, church, or religious institution, health-care facility, athletic or charitable organization; or any other organization whether such a person is compensated or acting as a volunteer
- Any person who has assumed control of or responsibility for the child

District of Columbia

Responsible persons include a parent, guardian, or custodian.

Florida

Responsible persons include the child's parent or legal custodian or, in the absence of the parent or legal custodian, the child's caregiver. The term 'caregiver' includes the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare.

'Other person responsible for a child's welfare' include the following:

- The child's legal guardian or foster parent
- An employee of a private school, public or private child daycare center, residential home, institution, facility, or agency
- A law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice

- Any other person legally responsible for the child's welfare in a residential setting
- An adult sitter or relative entrusted with a child's care

Georgia

The term 'responsible person' includes the parent, guardian, or legal custodian. 'Person responsible for the care of a child' includes any of the following:

- An adult member of a child's household
- A person exercising supervision over a child for any part of the 24-hour day
- Any adult who, based on their relationship to the parent, guardian, or legal custodian or a member of a child's household, has access to the child

Guam

A 'person responsible for the child's welfare' includes the following:

- The child's parent, guardian, or foster parent
- An employee of a public or private residential home or an institution or authorized agency responsible for the child's welfare

The term 'family' includes each legal parent, the grandparents, each parent's spouse, each sibling, or person related by consanguinity up to the second degree or by marriage, each person residing in the same dwelling unit, and any other person or legal entity that is a child's legal or physical custodian or guardian or who is otherwise responsible for the child's care.

Hawaii

A 'responsible person' is any person who or legal entity that meets the following criteria:

- Is in any manner or degree related to the child
- Resides with the child
- Is otherwise responsible for the child's care

Idaho

'Responsible persons' include the parent, guardian, or other custodian.

Illinois

A 'person responsible for the child's welfare' includes the following:

- The child's parent, guardian, foster parent, or relative caregiver
- Any person responsible for the child's welfare in a public or private residential agency or institution
- Any person responsible for the child's welfare within a public or private profit or not-for-profit child care facility
- Any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including any person that is the custodian of a child under age 18 who commits or allows to be committed against the child the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in chapter 720, § 5/10-9
- A person who came to know the child through an official capacity or position of trust, including, but not limited to, health-care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect

Indiana

Responsible persons include the child's parent, guardian, or custodian.

Iowa

'Person responsible for the care of a child' includes the following:

- A parent, guardian, or foster parent
- A relative or any other person with whom the child resides who assumes care or supervision of the child, without reference to the length of time or continuity of such residence
- An employee or agent of a public or private facility providing care for a child, including an institution, hospital, health-care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility
- Any person providing care for a child but with whom the child does not reside, without reference to the duration of care

Kansas

A responsible person includes a parent, guardian, or person responsible for the care of a child.

The term 'parent,' when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for, or support the child.

Kentucky

Persons responsible for the child include the following:

- A birth or adoptive parent, guardian, or fictive kin
- A person in a position of authority or special trust
- A person exercising custodial control and supervision

Louisiana

The term 'caretaker' (caregiver) means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private daycare center, operator or employee of a registered family daycare home, or other person providing a residence for the child.

Maine

The term 'parent' means a natural or adoptive parent, unless parental rights have been terminated.

A 'person responsible for the child' means a person with responsibility for a child's health or welfare, whether in the child's home or another home or facility that, as part of its function, provides for the care of the child. This includes the child's custodian.

Maryland

'Responsible person' includes any of the following:

- A parent
- A household member or family member
- A person who has permanent or temporary care or custody of the child
- A person who has responsibility for supervision of the child
- A person who, because of the person's position or occupation, exercises authority over the child

The term 'family member' means a relative of a child by blood, adoption, or marriage. 'Household member' means a person who lives with or is a regular presence in a home of a child at the time of the alleged abuse or neglect

Massachusetts

Responsible persons include the parent and any other person responsible for the child's care. In regulation, the term 'caretaker' (caregiver) means:

- A child's parent, stepparent, or guardian
- Any household member entrusted with the responsibility for a child's health or welfare

- Any other person entrusted with the responsibility for a child's health or welfare, whether in the child's home, a relative's home, a school setting, a daycare setting (including babysitting), a foster home, a group care facility, or any other comparable setting

The term 'caretaker' includes, but is not limited to, teachers, babysitters, school bus drivers, camp counselors, etc. The 'caretaker' definition is meant to be construed broadly and inclusively to encompass any person who is, at the time in question, entrusted with a degree of responsibility for the child. This specifically includes a caregiver who is a child (e.g., a babysitter who is under age 18).

Michigan

A 'person responsible for the child's health or welfare' means a parent; legal guardian; person aged 18 or older who resides for any length of time in the same home as the child; nonparent adult; or an owner, operator, volunteer, or employee of one or more of the following:

- A licensed or registered child care organization
- A licensed or unlicensed adult foster care family home or adult foster care small group home
- A court-operated facility

'Nonparent adult' means a person who is age 18 or older and who, regardless of the person's domicile, meets all the following criteria in relation to a child:

- Has substantial and regular contact with the child
- Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare
- Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree

Minnesota

'Person responsible for the child's care' means the following:

- An individual functioning within the family unit and having responsibilities for the care of the child, such as a parent, guardian, or other person having similar care responsibilities
- An individual functioning outside the family unit and having responsibilities for the care of the child, such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, daycare, babysitting (paid or unpaid), counseling, teaching, and coaching

'Family or household members' means spouses, former spouses, parents and children, persons related by blood, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

Mississippi

Responsible persons include the following:

- A parent, guardian, or custodian
- 'Any person responsible for care or support,' which refers to the person who is providing for the child at a given time, including, but not limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child, and staff of residential care facilities and group homes licensed by the Department of Human Services or Department of Child Protection Services

Missouri

The term 'those responsible for the care, custody, and control of the child' includes, but is not limited to, the following:

- The parents or legal guardians of a child
- Other members of the child's household
- Anyone exercising supervision over a child for any part of a 24-hour day

- Any adult person who has access to the child, based on a relationship to the parents of the child, members of the child's household, or the family
- Any person who takes control of the child by deception, force, or coercion
- School personnel, contractors, and volunteers, if the relationship with the child was established through the school or through school-related activities, even if the alleged abuse or neglect occurred outside of school hours or off school grounds

Montana

'A person responsible for a child's welfare' includes any of the following:

- The child's parent, guardian, foster parent, or an adult who resides in the same home as the child
- A person providing care in a daycare facility
- An employee of a public or private residential institution, facility, home, or agency
- Any other person responsible for the child's welfare in a residential setting

Nebraska

[Scope of who can be responsible is embedded in each child abuse definition.]

Nevada

The term 'parent' means a natural or adoptive parent whose parental rights have not been terminated.

The term 'person responsible for a child's welfare' includes any of the following:

- The child's parent, guardian, or stepparent with whom the child lives
- An adult person continually or regularly found in the same household as the child
- A public or private home, institution, or facility in which the child actually resides or is receiving care outside of the home for all or a portion of the day
- A person directly responsible or serving as a volunteer for or employed by such a home, institution, or facility

New Hampshire

'A person responsible for a child's welfare' includes the child's parent, guardian, or custodian, as well as the person providing out-of-home care of the child, if that person is not the parent, guardian, or custodian. For purposes of this definition, 'out-of-home care' includes child daycare and any other settings in which children are given care outside of their homes.

The term 'parent' means mother, father, adoptive parent, or stepparent, but the term shall not include a parent whose parent-child relationship has been terminated by judicial decree or voluntary relinquishment. 'Household member' means any person living with the parent, guardian, or custodian of the child from time to time or on a regular basis who is involved occasionally or regularly with the care of the child.

New Jersey

'Parent or guardian' means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care.

Parent or guardian includes a teacher, employee, or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution, regardless of whether the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school.

New Mexico

Responsible persons include the child's parent, guardian, or custodian.

New York

Responsible persons include the child's parent and other persons legally responsible for the child's care.

The term 'person legally responsible' includes the child's custodian, guardian, and any other person responsible for the child's care at the relevant time. A custodian may include a person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

North Carolina

A 'relative' is an individual directly related to the juvenile by blood, marriage, or adoption, including a grandparent, sibling, aunt, or uncle.

'Responsible individual' means a parent, guardian, custodian, or caregiver, or individual responsible for subjecting a juvenile to human trafficking who abuses or seriously neglects a juvenile.

The term 'caretaker' means any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting, including any of the following:

- A stepparent, foster parent, or an adult member of the juvenile's household
- An adult relative entrusted with the juvenile's care
- A potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department
- Any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility
- Any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services

North Dakota

'A person responsible for the child's welfare' means an individual who has responsibility for the care or supervision of a child and who is any of the following:

- The child's parent, an adult family member of the child, any member of the child's household, the child's guardian, or the child's foster parent
- An employee of, or any person providing care for the child in, a public or private school or child care setting

Northern Mariana Islands

'Position of authority' means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position and a police officer or probation officer other than when the officer is exercising custodial control over a minor.

'In the person's custody' means in the custody of the child's parent (including natural parents, stepparents, and adopted parents), legal guardian, foster parent, an employee of a public or private residential home or facility, or any other person over age 18 responsible for the child's welfare in a residential setting.

Ohio

Responsible persons include the following:

- The child's parents, guardian, or custodian
- Other persons responsible for the child's care

Oklahoma

'Person responsible for a child's health, safety, or welfare' includes the following:

- A parent, legal guardian, custodian, or foster parent
- A person aged 18 or older with whom the child's parent cohabits or any other adult residing in the home of the child
- An agent or employee of a public or private residential home, institution, facility, or day treatment program or an owner, operator, or employee of a child care facility

Oregon

[No definition of 'Responsible person'. Current interpretation is any person at, at any age.]

Pennsylvania

'Perpetrator' means a person who has committed child abuse, as defined in this section. The term includes only the following:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person aged 14 or older and responsible for the child's welfare
- An individual who is age 14 or older who resides in the same home as the child
- An individual aged 18 or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child
- An individual aged 18 or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined in Federal law (22 U.S.C. § 7102)

Only the following may be considered a perpetrator for failing to act, as provided in this section:

- A parent of the child
- A spouse or former spouse of the child's parent
- A paramour or former paramour of the child's parent
- A person aged 18 or older who is responsible for the child's welfare
- A person aged 18 or older who resides in the same home as the child
- A 'person responsible for the child's welfare' is a person who provides permanent or temporary care; supervision; mental health diagnosis or treatment; training; or control of a child in lieu of parental care, supervision, and control.

Puerto Rico

Responsible persons include the minor's father, mother, or person responsible for the welfare of the minor.

Rhode Island

'Person responsible for child's welfare' includes any of the following:

- The child's parent or guardian
- Any individual, age 18 or older, who resides in the home of a parent or guardian and has unsupervised access to a child
- A foster parent
- An employee of a public or private residential home or facility
- Any staff person providing out-of-home care

South Carolina

The term 'person responsible for a child's welfare' includes the following:

- The child's parent, guardian, or foster parent
- An operator, employee, or caregiver, as defined by § 63-13-20, of a public or private residential home, institution, agency, or child care facility
- An adult who has assumed the role or responsibility of a parent or guardian for the child but who does not necessarily have legal custody of the child
- A person has not assumed the role or responsibility of a parent or guardian if that person's only role is as a caregiver whose contact is only incidental, such as a babysitter, or the person has only incidental contact but may not be a caregiver.

South Dakota

Responsible persons include a child's parent, guardian, or custodian.

Tennessee

'Caregiver' means any relative or other person living, visiting, or working in the child's home who supervises or otherwise provides care or assistance for the child, such as a babysitter, or who is an employee or volunteer with the responsibility for any child at an educational, recreational, medical, religious, therapeutic, or other setting where children are present. 'Caregiver' also may include a person who has allegedly used the child for the purpose of commercial sexual exploitation of a minor or trafficking a minor for a commercial sex act, including, but not limited to, as a trafficker. For purposes of this chapter, 'caregiver' and 'caretaker' shall have the same meaning.

A related caregiver shall include the child's birth, step, or legal grandparent; great grandparent; sibling; aunt; uncle; or any other person who is legally or biologically related to the child.

Responsible persons include any of the following:

- The child's parent, relative, guardian, or caregiver
- A person with whom the child lives
- Any 'other person responsible for a child's care or welfare' that includes, but is not limited to, the following:
 - A legal custodian or foster parent
 - An employee of a public or private child care agency or public or private school
 - Any other person legally responsible for the child's welfare in a residential setting

Texas

'Person responsible for a child's care, custody, or welfare' means a person who traditionally is responsible for a child's care, custody, or welfare, including the following:

- A parent, guardian, conservator, or foster parent of the child
- A member of the child's family or household, meaning persons living together in the same dwelling, without regard to whether they are related to each other, and includes persons who previously lived in the household
- A person with whom the child's parent cohabits
- School personnel or a volunteer at the child's school
- Personnel or a volunteer at a public or private child care facility that provides services for the child or at a public or private residential institution or facility where the child resides
- An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child care facility, including a family home, residential child care facility, employer-based daycare facility, or shelter daycare facility

Utah

'A person responsible for a child's care' means the child's parent, guardian, or other person responsible for the child's care. The term includes a person responsible for the child's care in the same home as the child; a relative's home; a group, family, or center daycare facility; a foster care home; or a residential institution.

Vermont

'A person responsible for a child's welfare' includes the following:

- The child's parent, guardian, or foster parent
- Any other adult residing in the home who serves in a parental role
- An employee of a public or private residential home, institution, or agency
- Any other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person

Virgin Islands

'Person responsible for a child's care' includes the following:

- The child's parent, guardian, or custodian
- A person or agency responsible for the child's welfare or care, whether the child is in their own home, shelter care, a detention home, a relative's home, a foster home, or a residential institution

Virginia

Responsible persons include the child's parents or another person responsible for the care of the child.

Washington

Per statute, any person can be a responsible person.

West Virginia

Responsible persons include the child's parent, guardian, or custodian.

Wisconsin

'Caregiver' means, with respect to a child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect, any of the following persons:

- The child's parent, grandparent, great-grandparent, stepparent, brother, sister, stepbrother, stepsister, half-brother, or half-sister
- The child's guardian or legal custodian
- A person who resides or has resided regularly or intermittently in the same dwelling as the child
- An employee of a residential facility or residential care center for children and youth in which the child was or is placed
- A person who provides or has provided care for the child in or outside of the child's home
- Any other person who exercises or has exercised temporary or permanent control over the child or who temporarily or permanently supervises or has supervised the child
- Any relative of the child other than one listed above

Wyoming

'A person responsible for a child's welfare' includes the following:

- The child's parent, noncustodial parent, guardian, custodian, stepparent, or foster parent
- Any other person, institution, or agency having the physical custody or control of the child

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