

THE DEFINITION OF PHYSICAL ABUSE

Sections 63.2 -100 and 63.2-3.14 of the Code of Virginia were amended On July 1, 2004.

Abused or neglected child means any child less than eighteen years of age whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allow to be created or inflicted upon such child a physical or mental injury other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, *including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parent or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of 18.2- 248.*

IMPLICATIONS OF THE AMENDED DEFINITION

Essentially, the definition of physical abuse requires answering four questions. Each question must be answered by a preponderance of the evidence to make a founded disposition. First, what was the action or inaction of the caretaker? Second, did the child sustain an injury or is there evidence establishing that the child was threatened with sustaining an injury? Third, does the evidence establish a nexus, or causal relationship (i.e., a link or tie), between the action or inaction of the caretaker and the physical injury or threatened physical injury to the child? Fourth, was the injury, or threat of injury, caused by non -accidental means?

- Children may be at risk of injury when they are present where illegal substances are being manufactured, especially in methamphetamine (meth) labs. These structures can be the source of hazardous fumes and potentially explosive materials.
- Children exposed to acidic gases released in meth production can immediately cause second or third degree burns of the skin, extreme pain and even death, if inhaled.
- Meth exposed children seen in Pediatric emergency rooms may exhibit psychological problems, including hallucinations, suicidal and homicidal ideations. They may be diagnosed with severe weight loss, rotting teeth, scars and open sores, or a variety of cardiovascular problems.
- Children may be at risk while present during the sale of illegal drugs because of the traffic of strangers in and out of the domicile and/or because of the presence of firearms in a volatile situation.