

# **\*\*United States Statutes Pertaining to Spanking**

---

[Cr.] = Criminal Code, [Ci.] = Civil Code  
As of 2004 - Reader is advised to check for updated statutes

## **Table of Contents**

Summary of State Statutes .....	3
ALABAMA .....	3
ALASKA .....	3
ARIZONA.....	3
ARKANSAS.....	3
CALIFORNIA.....	3
COLORADO.....	3
CONNECTICUT.....	4
DELAWARE .....	4
DISTRICT OF COLUMBIA.....	4
FLORIDA .....	4
GEORGIA .....	4
HAWAII.....	4
IDAHO.....	4
ILLINOIS .....	5
INDIANA .....	5
IOWA .....	5
KANSAS.....	5
KENTUCKY .....	5
LOUISIANA.....	5
MAINE .....	5
MARYLAND.....	5
MICHIGAN.....	5
MINNESOTA .....	5
MISSOURI .....	5
MONTANA.....	6
NEBRASKA.....	6
NEVADA.....	6
NEW HAMPSHIRE.....	6

NEW JERSEY .....	6
NEW MEXICO .....	6
NEW YORK.....	6
NORTH CAROLINA .....	7
NORTH DAKOTA .....	7
OHIO.....	7
OKLAHOMA.....	7
OREGON .....	7
PENNSYLVANIA .....	7
RHODE ISLAND .....	7
SOUTH CAROLINA .....	7
SOUTH DAKOTA .....	8
TENNESSEE .....	8
TEXAS .....	8
UTAH .....	8
WASHINGTON .....	8
WEST VIRGINIA .....	8
WISCONSIN .....	8
WYOMING.....	8

## Summary of State Statutes

### ALABAMA

Parent/guardian/person responsible for care and supervision of a minor/teacher or other person responsible for care and supervision of a minor for a special purpose may use reasonable and appropriate physical force when and to the extent he reasonably believes it necessary and appropriate to maintain discipline or promote welfare of the child. Sec. 13A-3-24. [Cr.]

### ALASKA

Force is justified when and to the extent reasonably necessary and appropriate to promote a child's welfare. Parent/guardian/other person with care and supervision of child under 18 may use reasonable and appropriate non-deadly force upon the child. Sec. 11.81.430.[Cr.]

### ARIZONA

Parent/guardian may use reasonable and appropriate physical force upon the minor when and to the extent reasonably necessary and appropriate to maintain discipline. Sec. 13-403.[Cr.]

### ARKANSAS

Abuse does not include physical discipline of a child if reasonable and moderate and inflicted by a parent or guardian for restraining or correcting a child. Listed as not reasonable or moderate for correcting or restraining: -- Throwing, kicking, burning, biting, cutting, striking with a closed fist, shaking a child under 3, striking or other actions which result in any non-accidental injury to a child less than 18 months, interfering with a child's breathing, threatening a child with a deadly weapon, striking a child on the face, or any other act that is likely to cause bodily harm greater than transient pain or minor temporary marks. [Statute says this is an illustrative and not exclusive list]. Age, size, condition of the child, and the location of the injury and frequency or recurrence of injuries shall be considered in determining "reasonable" or "moderate." Sec. 9-27-303(B).[Ci.] Parent/teacher/guardian/other with care and supervision of a minor may use reasonable and appropriate physical force when and to the extent reasonably necessary to maintain discipline or promote the welfare of the child. Sec. 5-2-605(1).[Cr.] If the belief that the force is necessary is a reckless or negligent belief, than the above offers no defense to a crime if the culpability of that crime is proven by showing recklessness or negligence. Justification is not available if person recklessly or negligently injured or created a substantial risk of injury to a person. Sec. 5-2-614.[Cr.]

### CALIFORNIA

Law not intended to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. Serious physical harm does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury. Welf. and Inst. Code Sec. 300. [Ci.] Abuse includes unlawful corporal punishment or injury. Penal Code Sec. 11165.6.[Cr.] "Unlawful corporal punishment or injury" is any person willfully inflicting upon a child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. Penal Code Sec. 11165.4.[Cr.]

### COLORADO

Any investigation of child abuse shall take into account the child-rearing practices of the child's culture. Child abuse and neglect does not include acts which can be reasonably construed to be a reasonable exercise of parental discipline. Sec. 19-3-303(1).[Ci.] A continued pattern of conduct which results in cruel punishment or accumulation of injury which results in death or serious bodily injury is child abuse. Sec. 18-6-401.[Cr.] Parent/guardian/ person with care and supervision of minor can use reasonable and appropriate physical force, if it is reasonably necessary and appropriate to maintain or promote welfare of child. Sec. 18-1-703.[Cr.]

## CONNECTICUT

It is abuse if having control and custody of a child under sixteen (16) one cruelly or unlawfully punishes. Sec. 53-20.[Cr.] Parent/guardian/person with care and supervision of a minor (other than a teacher) may use reasonable physical force, when and to the extent that he reasonably believes necessary to maintain discipline or promote welfare of minor. Sec. 53a-18.[Cr.]

## DELAWARE

Force is justifiable if reasonable and moderate and by parent/guardian/foster parent/legal custodian/other similar person responsible for care and supervision. Force must be: -- For purpose of safeguarding or promoting welfare of child, including prevention or punishment of misconduct, and -- Intended to benefit child. Reasonable and moderate is determined in light of: size, age, and condition of child, location, strength, and duration of force. Force is not justified if it consists of: -- Throwing child, kicking, burning, cutting, striking with a closed fist, interfering with breathing, use of or threatened use of deadly weapon, prolonged deprivation of sustenance or medication, any act likely to cause or causing physical injury, disfigurement, mental distress, unnecessary degradation or substantial risk of serious physical injury or death. Criminal Sec. 468.[Cr.]

## DISTRICT OF COLUMBIA

Abuse includes excessive corporal punishment. Sec. 6-2101.[Ci.] Abuse includes when a parent/guardian/custodian inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury, including excessive corporal punishment. Sec. 16-2301.[Ci.]

## FLORIDA

"Harm" to a child occurs when the parent or other person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. The following factors must be considered in evaluating any injury: prior injuries; location; multiplicity; and type of trauma. Such injury include, but are not limited to willful acts that produce the following specific injuries: sprains, dislocations, or cartilage damage; bone or skull fractures; brain or spinal cord damage; intracranial hemorrhage or injury to other internal organs; asphyxiation, suffocation, or drowning; injury resulting from the use of a deadly weapon; burns or scalding; cuts, lacerations, punctures, or bites; permanent or temporary disfigurement; or permanent or temporary loss or impairment of a body part or function. "Willful" refers to the intent to perform an action, not to achieve a particular result or an intent to cause an injury. Sec. 415.503.[Ci.]

## GEORGIA

Physical forms of discipline may be used as long as there is no physical injury to the child. Secs. 19-7-5/ 19-15-1/49-5-180.[Ci.] Parent or person in loco parentis reasonably disciplining of a minor has a justification for a criminal prosecution based on that conduct. Sec. 16-3-20.[Cr.]

## HAWAII

Parent/guardian/person responsible for general care and supervision of minor/person acting at request of above may use force if. -- employed with due regard for age and size of minor and reasonably related to purpose of safeguarding or promoting welfare of minor, including prevention or punishment of minor's conduct, and -- not designed to cause or known to create a risk of causing substantial bodily injury, disfigurement, extreme pain, mental distress, or neurological damage. Sec. 703-309.[Cr.]

## IDAHO

Abuse includes physical cruelty in excess of that required for reasonable disciplinary purposes, inflicted by a parent or other person in whom legal custody is vested. Sec. 16-2002.[Ci.]

## **ILLINOIS**

An "abused child" includes any child whose parent/immediate family member/person responsible for the child's welfare/individual residing in the same house/paramour of child's parent inflicts excessive corporal punishment. Secs. 325 5/3/ [Ci.]

## **INDIANA**

Law does not limit right of parent/guardian/custodian to use reasonable corporal punishment when disciplining a child. Sec. 31-34-1-15.[Ci.]

## **IOWA**

Child endangerment includes using unreasonable force, torture, or cruelty which results in physical injury, is intended to cause serious injury, or causes substantial mental or emotional harm. Sec. 726.6.[Cr.]

## **KANSAS**

Abuse includes cruel and inhuman corporal punishment. Sec. 21-3609.[Cr.]

## **KENTUCKY**

Parent/guardian/person/teacher with care and supervision of minor can use force if person believes force necessary for welfare of child and force is not designed to cause or known to cause a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress. Sec. 503.110.[Cr.]

## **LOUISIANA**

In determining abuse the agency should take into account that an injury may have resulted from what might be considered reasonable discipline for a child's misbehavior. Children's Code Art. 615(A).[Ci.] Parent/tutor/teacher reasonably disciplining a minor has a defense to a criminal prosecution based on that conduct. Sec. 14:18. [Cr.]

## **MAINE**

It is a crime for parent/guardian/other with care and custody of child to cruelly treat a child by extreme punishment. 17A Sec. 554(1)(B-1). [Cr.]

## **MARYLAND**

Law does not prohibit reasonable punishment by parent or stepparent, including reasonable corporal punishment, evaluated in light of the age and condition of child. Sec. 4-501.[Ci.]

## **MICHIGAN**

Parent/guardian/other person permitted by law, parent, or guardian can reasonably discipline a child, including the use of reasonable force. Sec. 750.136b.[Cr.]

## **MINNESOTA**

Parent/legal guardian/caretaker who intentionally uses unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment. Sec. 609.377.[Cr.] Parent/legal guardian/teacher/caretaker of child or pupil can use reasonable force to restrain or correct a child or pupil. Sec. 609.379.[Cr.]

## **MISSOURI**

Discipline including spanking, administered in a reasonable manner, is not abuse. Sec. 210.110. [Ci.] Force justified if by parent/guardian/other person with care and supervision of minor if- -- Person believes force necessary to promote welfare of minor, and -- Force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme emotional distress. Sec. 563.061.[Cr.]

## **MONTANA**

"Physical abuse" is defined as "substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, intentional burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death if the injury or death is not accidental." Sec. 41-3-102.[Ci.] Parent or authorized agent of parent/guardian/master/teacher is justified to use force if reasonable and necessary to restrain or correct child. Sec. 45-3-107.[Cr.]

## **NEBRASKA**

It is abuse to knowingly, intentionally, or negligently cause or permit a child to be cruelly punished. Sec. 28-710.[Cr.] Parent/guardian/person responsible for care and supervision/person acting at one of the above's request is justified to use force on a minor if for the purpose of safeguarding or promoting the welfare of minor, including prevention or punishment of misconduct, but not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, extreme pain, mental distress, or gross degradation. Sec. 28-1413.[Cr.] If the belief that the force is necessary is a reckless or negligent belief, than the above offers no defense to a crime, if the culpability of that crime is proven by showing recklessness or negligence. Justification is not available if person recklessly or negligently injured or created a substantial risk of injury to a person. Sec. 28-1414.[Cr.]

## **NEVADA**

Excessive corporal punishment may cause physical or mental injuries which constitute abuse. Sec. 432B.150.[Ci.]

"Injury" to a child occurs when a parent/guardian/custodian inflicts or allows to be inflicted upon a child physical, mental, or emotional injuries sustained as a result of excessive corporal punishment. Sec. 128.013.[Ci.]

## **NEW HAMPSHIRE**

Parent/guardian/person/teacher responsible for general care and welfare of minor may use force against minor when and to the extent that he reasonably believes it necessary to prevent or punish minor's misconduct. No defense available for malicious or reckless use of force that creates risk of death, serious bodily injury, or substantial pain. Sec. 627:6.[Cr.]

## **NEW JERSEY**

Cruelty to a child includes inflicting unnecessarily severe corporal punishment upon a child. Sec. 9:6-1.[Ci.] "Abuse" includes a parent, guardian, or other person with control or custody inflicting excessive corporal punishment (which must be excessive to the point that the child's physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result). Sec. 9:6-8.9.[Ci.] Person with responsibility for care, supervision, discipline, or safety of another may use force against them if for the purpose of and to the extent necessary to further the responsibility. Sec. 2C:3-8. [Cr.] Justification is not available if the person recklessly or negligently injures or creates a risk of injury. Sec. 2C: 3-9.[Cr.]

## **NEW MEXICO**

An abused child includes one who has been cruelly punished by a parent/ guardian/ custodian. Sec. 32A-1-4(B).[Ci.] Abuse includes knowingly, intentionally, or negligently permitting or causing a child to be cruelly punished. Sec. 30-6-1.[Cr.]

## **NEW YORK**

Neglecting a child includes unreasonably inflicting or allowing the infliction of harm or substantial risk thereof, including excessive corporal punishment. Fam. Ct. Sec. 1012.[Ci.] Parent/guardian/other person with care and supervision of person under 21, can use non-deadly physical force when and to the extent he reasonably believes necessary to maintain discipline or promote welfare of person force performed upon. Penal Sec. 35:10.[Cr.]

## **NORTH CAROLINA**

Abuse includes infliction of a serious physical injury by other than accidental means; creating a substantial risk of such injury by other than accidental means; and using cruel or grossly inappropriate procedures or devices to modify behavior. Juvenile Sec. 7B-101(1). [Ci.]

## **NORTH DAKOTA**

"Harm" includes injuries sustained from excessive corporal punishment. Sec. 50-25.1-02.[Ci.] Parent/guardian/other person responsible for care and supervision of minor/person acting at direction of the above can use reasonable force on a minor for safeguarding or promoting his welfare, including prevention or punishment of his misconduct and maintenance of proper discipline. Force does not have to be "necessary," but cannot create substantial risk of death, serious bodily injury or disfigurement, or gross degradation. Sec. 12.1-05-05.[Cr.]

## **OHIO**

Not abuse if not prohibited under law prohibiting endangering children. "Endangering children" is administering corporal punishment or other physical discipline, or physically restraining the child in a cruel manner or for a prolonged period if the punishment or discipline is excessive under the circumstances and creates a substantial risk of serious physical harm to the child. Sec. 2151.031.[Ci.] It is a criminal act to administer corporal punishment or other physical discipline, or to physically restrain the child in a cruel manner or for a prolonged period if it is excessive under the circumstances and creates a substantial risk of serious physical harm to the child. It is a criminal act to administer unwarranted disciplinary measures to child if there is a substantial risk that if conduct is continued it will seriously impair the child's health or development. Sec. 2919.22.[Cr.]

## **OKLAHOMA**

Parents/teachers/other persons can use ordinary force as a means of discipline, including but not limited to spanking, switching, or paddling. 21 Sec. 844.[Cr.] Criminal penalty for using unreasonable force upon a child under 18. 10 Sec. 7115.[Cr.]

## **OREGON**

Physical force is justified if parent/guardian/other person with the care and supervision of a minor uses reasonable force when and to the extent the person reasonably believes necessary to maintain discipline or promote welfare of minor. Sec. 161.205. [Cr.]

## **PENNSYLVANIA**

Parents can use reasonable supervision and control when raising their children. 23 Sec. 6302.[Ci.] Parent/guardian/person responsible for general care and supervision/ person acting at request of the above may use force for the purpose of safeguarding or promoting welfare of minor including the prevention or punishment of his misconduct, if the force is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain, mental distress, or gross degradation. 18 Sec. 509.[Cr.]

## **RHODE ISLAND**

Abuse occurs when a child's physical or mental welfare is harmed or threatened by a parent or person responsible for child's welfare, by means including excessive corporal punishment which causes physical or mental injury or creates or allows to be created a substantial risk of physical or mental injury. Sec. 40-11-2.[Ci.] Serious physical injury is any injury, other than a serious bodily injury, arising from other than non-excessive corporal punishment. Sec. 11-9-5.3. [Cr.]

## **SOUTH CAROLINA**

"Harm" includes excessive corporal punishment. "Harm" does not include corporal punishment or physical discipline if- Administered by a parent or person acting in place of a parent, Perpetrated for the sole purpose of restraining or correcting, Force is

reasonable in manner and moderate in degree, There is no permanent damage, and Behavior is not reckless or grossly negligent. Sec. 20-7-490.[Ci.]

## **SOUTH DAKOTA**

It is abuse to cruelly punish. Sec. 26-10-1.[Cr.] Parent/guardian/teacher/school official can use, attempt, or offer to use force if reasonable in manner and moderate in degree, and used to restrain or correct as necessitated by misconduct or refusal to obey a lawful command. Sec. 22-18-5 [Cr.]

## **TENNESSEE**

Permits criminal charges against a parent/guardian/custodian who administers "unreasonable" corporal punishment which causes "injury" to the child. Sec. 39-15-401 [Cr.]

## **TEXAS**

Abuse does not include reasonable discipline by a parent/guardian/managing or possessory conservator if child not exposed to substantial risk of harm. Family Code Sec. 261.001.[Ci.] Parent/stepparent/person standing in loco parentis to child is justified to use non-deadly force against a child under 18 when and to degree the actor reasonably believes necessary to discipline, or safeguard or promote child's welfare. Penal Sec. 9.61.[Cr.]

## **UTAH**

Force is justified if used for reasonable discipline of a minor by parent/guardian/teacher /person standing in loco parentis. Sec. 76-2-401.[Cr.]

## **WASHINGTON**

Physical discipline is not unlawful if reasonable and moderate and inflicted by parent /teacher/guardian for restraint or correction. Presumed unreasonable if the following are used to correct/ restrain: -- Throwing, kicking, burning, cutting, striking with a closed fist, shaking a child under 3, interfering with breathing, threatening with a deadly weapon, any other act likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. [Statute says this list is illustrative and not exclusive]. Age, size, condition of child, and location of injury are all factors in determining "reasonable" and "moderate." Sec. 9A.16.100.[Cr.]

## **WEST VIRGINIA**

Physical injury can include that which is the result of excessive corporal punishment. Sec. 49-1-3 [Ci.]

## **WISCONSIN**

Use of force is justified when actor's conduct is reasonable discipline of a child by a person responsible for child's welfare. Reasonable discipline may involve only such force as a reasonable person believes is necessary. Never reasonable to use force intended to cause great bodily harm or death, or which creates an unreasonable risk of great bodily harm or death. Sec. 939.45.[Cr.]

## **WYOMING**

Abuse include excessive or unreasonable corporal punishment. Sec. 14-3-202.[Ci.] A "neglected child" includes one abused by the infliction of physical or mental injury including excessive or unreasonable corporal punishment. Sec. 14-6-201.[Ci.] Same definition as civil abuse definition. Sec. 6-2-503.[Cr.]

**\*\* Special thanks to Cherrie for submitting this information.**

From: "CKW" <cherriejwebb@sbcglobal.net>

Date: Sun Aug 15, 2004 9:43 pm

Subject: United States Statutes Pertaining to Spanking

Document & Indexing of the PDF file created by  
Granpa Chuck



Over 40 Years experience as Technical Editor &  
Creating Documents for Publication  
No job too small.

Free estimates given when document is presented for Review

If interested, just [eMail](#)

Example of Flyer for recent publication -

**"Standing in the Shadow of Law"**

[Download Flyer](#)