

APPENDIX X

LEGISLATION REGARDING CHILD WITNESSES TO DOMESTIC VIOLENCE

The following introduction was taken in part from Child Abuse and Neglect State Statutes Series Compendium of Laws:

CHILD WITNESS TO DOMESTIC VIOLENCE, 2002

Approximately 20 States and Puerto Rico have enacted legislation that specifically includes children who witness acts of domestic violence as a class of persons in need of legal protection. The majority of these States provide enhanced criminal penalties for the commission of domestic violence offenses in the presence of a child. Other States mandate counseling for child witnesses, allow courts to find a child witness in need of aid, require supervised visitation for such behavior, presume that a child witness may have sustained physical injury for purposes of restitution and consider such conduct an aggravating factor for courts to consider in sentencing. Although there is great variation across States as to the particular requirements imposed by this legislation, these statutes share common elements. The Statutes generally define which particular children are protected under the legislation, the meaning of “in the presence of a child,” those actions that constitute domestic violence and whether one witnessing incident is sufficient or exposure to repeated incidents is required.

STATE BY STATE CIVIL AND CRIMINAL LEGISLATIVE REFERENCES

The following list was compiled and updated May, 2004 by the National Clearinghouse on Child Abuse and Neglect Information 330 C Street, SW, Washington, DC 20447
Website: <http://nccanch.acf.hhs.gov/general/legal/statutes/index.cfm>

Alabama	Not addressed in statutes reviewed
Alaska	Alaska Stat. § 47.10.011 (Lexis, WESTLAW through 2000 3rd Spec. Sess.) Alaska Stat. § 12.55.155 (LexisNexis through 2003 Sess.)
Arizona	Ariz. Rev. Stat. Ann. § 13-702 (LexisNexis through Ariz. 2004 Legis. Serv., Ch. 174)
Arkansas	Ark. Code Ann. § 5-4-701(2) (WESTLAW through 2001 Reg. Sess.) Ark. Code Ann. § 5-4-702 (WESTLAW through 2001 Reg. Sess.)
California	Cal. Penal Code § 1170.76 (West, WESTLAW through 1999-2000 Reg. Sess. & 1st Ex. Sess. & 11/7/00)
Colorado	Not addressed in statutes reviewed

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Connecticut	Not addressed in statutes reviewed
Delaware	Del. Code Ann. tit. 11, § 1102 (WESTLAW through 2001 Reg. Sess.)
District of Columbia	Not addressed in statutes reviewed
Florida	Fla. Stat. Ann. § 921.0024 (LexisNexis through 2003 Sess.)
Georgia	Ga. Code Ann. § 16-5-70 (LexisNexis through Ga. 2004 Legis. Serv., Act 439)
Hawaii	Haw. Rev. Stat. Ann. § 706-606.4 (LexisNexis through 2003 Reg. & Spec. Sess.)
Idaho	Idaho Code § 18-918 (LexisNexis through Idaho 2004 Legis. Serv., Ch. 118)
Illinois	720 Ill. Comp. Stat. Ann. 5/12-3.2 (LexisNexis through 3/20/04)
Indiana	Ind. Code Ann. § 31-14-14-5 (LexisNexis through 2004 Spec. Sess.)
Iowa	Not addressed in statutes reviewed
Kansas	Not addressed in statutes reviewed
Kentucky	Not addressed in statutes reviewed
Louisiana	Not addressed in statutes reviewed
Maine	Not addressed in statutes reviewed
Maryland	Not addressed in statutes reviewed
Massachusetts	Not addressed in statutes reviewed
Michigan	Not addressed in statutes reviewed
Minnesota	Minn. Stat. Ann. § 626.5552 (West, WESTLAW through 2000 Reg. Sess.)

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Mississippi	Miss. Code Ann. § 97-3-7(3)-(4) (LexisNexis through Miss. 2004 Legis. Serv., H.B. 816)
Missouri	Not addressed in statutes reviewed
Montana	Mont. Code Ann. § 45-5-206(1), (2), (3)(a) (LexisNexis through 2003 Reg. Sess.)
Nebraska	Not addressed in statutes reviewed
Nevada	Nev. Rev. Stat. Ann. § 200.485 (LexisNexis through End of 2003 Sess.)
New Hampshire	Not addressed in statutes reviewed
New Jersey	Not addressed in statutes reviewed
New Mexico	Not addressed in statutes reviewed
New York	Not addressed in statutes reviewed
North Carolina	N.C. Gen. Stat. § 14-33 (LexisNexis through 2003 Reg. & 2nd Ex. Sess.)
North Dakota	Not addressed in statutes reviewed
Ohio	Ohio Rev. Code Ann. § 2929.01(MM), (NN) (LexisNexis through 3/29/04) Ohio Rev. Code Ann. § 2929.12 (LexisNexis through 3/29/04) Ohio Rev. Code Ann. § 2929.17 (LexisNexis through 3/29/04)
Oklahoma	Okla. Stat. Ann. tit. 21, § 644 (West, WESTLAW through 2000 1st Ex. Sess.)
Oregon	Or. Rev. Stat. § 163.160 (WESTLAW through 1999 Reg. Sess.)
Pennsylvania	Not addressed in statutes reviewed
Rhode Island	Not addressed in statutes reviewed
South Carolina	Not addressed in statutes reviewed
South Dakota	Not addressed in statutes reviewed
Tennessee	Not addressed in statutes reviewed

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Texas	Not addressed in statutes reviewed
Utah	Utah Code § 76-5-109.1(1), (2) (LexisNexis through 2003 Sp. Sess.)
Vermont	Not addressed in statutes reviewed
Virginia	Not addressed in statutes reviewed
Washington	Wash. Rev. Code Ann. § 9.94A.535 (LexisNexis through 3/18/04)
West Virginia	Not addressed in statutes reviewed
Wisconsin	Not addressed in statutes reviewed
Wyoming	Not addressed in statutes reviewed

Please be advised that this list contains dated information and is intended for educational and research purposes only. It is the responsibility of each party receiving this information to verify the laws for accuracy and currency of legislation.