

Sibling Aggression and Abuse Research and Advocacy Initiative (SAARA)

DO STATE CHILD ABUSE AND NEGLECT POLICIES ADDRESS SIBLING ABUSE?

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SUMMARY

State child protection statutes lack clarity and specificity in their attention to sibling abuse. It may be reportable under family member or household member abuse, but 14 states lack these categories. It also may be reportable under parental neglect, but this does not accurately characterize some sibling abuse. Statutes and policies around sibling abuse need to be developed and publicized.

Sibling abuse can be just as harmful as parental child maltreatment, leaving injuries and mental distress, yet there are no consistent statutory policies for responding to it. Child protection and intervention guidelines exist for sibling sexual abuse, but they are varied and unevenly implemented. Professional guidance for responding to physical and psychological sibling abuse is almost entirely absent. This bulletin describes the status of current U.S. state-level child abuse and neglect (CAN) laws and policies and suggests how they can be applied to sibling abuse cases.

We identified all CAN legal policies that could be relevant to physical, psychological, or sexual sibling abuse using data from the 2021 State Child Abuse and Neglect (SCAN) Policies Database.¹ The SCAN Policies Database contains detailed information—including legal definitions of maltreatment, types of perpetrators, and mandated child welfare responses—for the 50 U.S. states, D.C., and Puerto Rico.

ARE SIBLINGS INCLUDED IN STATE DEFINITIONS OF CAN PERPETRATORS?

How states specify who can be a perpetrator of child maltreatment varies. Table 1 shows that almost all states specify parents or guardians as possible CAN perpetrators, but only a slight majority of states also

include other family or household members in their definitions. Figure 1 shows the states where either a family or a household member meets the definition of a CAN perpetrator. Fourteen states and D.C. have no category that could include sibling abusers.

Table 1. Types of perpetrators included in CAN definitions for the 50 U.S. states, D.C., and Puerto Rico (SCAN Policies Database, 2021).

	Percent
Parent	96.2%
Guardian	94.2%
Caregiver	86.5%
Family Member	51.9%
Household Member	63.5%
Person Responsible	94.2%
Any Adult	38.5%

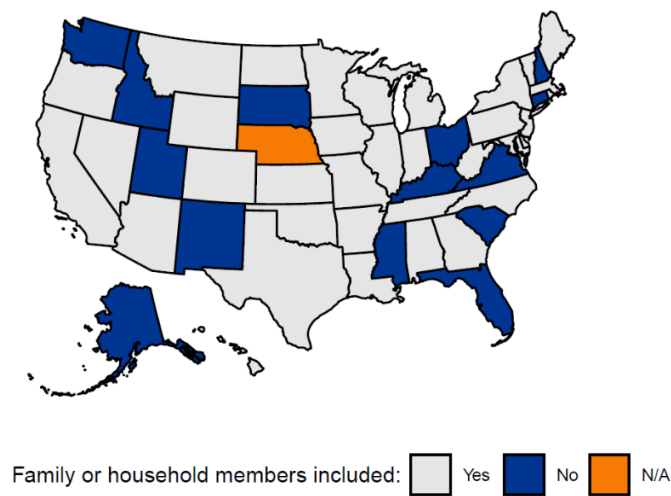
Note: Nebraska does not define specific perpetrator types.

This means that sibling abuse could, in principle, fall under existing child abuse statutes in most states. There is state-level variation, however, in the age at which a person qualifies as a perpetrator. For example,

Alabama defines abuse as occurring “when serious harm is inflicted non-accidentally on a child by any person age fourteen (14) years or older.”²² When statutes do not define harm inflicted by a minor as potential abuse, sibling abuse cases may be screened out and dismissed without investigation.

Further, in many states, the definition of a perpetrator varies by type of CAN and whether the person was in a position of responsibility over the child. States are more likely to specify that the perpetrator can be a minor in cases of sexual abuse than in cases of physical or emotional abuse. For example, Indiana defines a CAN perpetrator as the child’s parent, guardian, or custodian, except in cases of sexual abuse, where “the perpetrator may have any or no relationship to the child.”²³ Lastly, some definitions allow for the inclusion of siblings only when they are in a caregiving role.

Figure 1. U.S. states where CAN perpetrator definitions include family or household members (SCAN Policies Database, 2021).



Note: The values for D.C. and Puerto Rico, not shown, are “no” and “yes,” respectively.

SIBLING ABUSE AS PARENTAL NEGLECT

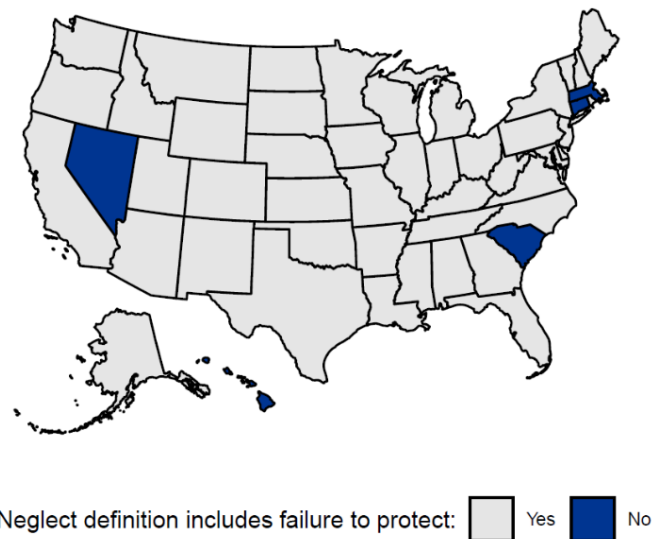
In the absence of laws and policies specific to sibling abuse, and as an alternative to classifying juvenile siblings as CAN perpetrators, parents or guardians can be held responsible for neglect when sibling abuse occurs. However, not all serious sibling abuse would fall under such a classification.

There are two subtypes of neglect that could apply: inadequate supervision and failure to protect. Neither inadequate supervision nor failure to protect statutes

were designed to address sibling abuse, but they provide a mechanism to place responsibility on parents for abuse that occurs by siblings.

All 50 states, D.C., and Puerto Rico have statutes regarding inadequate supervision as a subtype of parental neglect. As shown in Figure 2, most states also classify failure to protect as a subtype of parental neglect, except Massachusetts, Connecticut, South Carolina, Nevada, and Hawaii.

Figure 2. U.S. states with failure to protect statutes (SCAN Policies Database, 2021).



Note: The values for D.C. and Puerto Rico, not shown, are both “yes.”

LEGAL POLICY AND TRAINING SHIFTS NEEDED

This bulletin has demonstrated that existing CAN legal policies can be applied to sibling abuse. However, sibling abuse is not specifically addressed in most state statutes. Nor are there any policies or laws that explicitly address physical and psychological sibling abuse. All forms of sibling abuse may thus fall through the cracks in various ways. Practitioners may not be looking for it. They may have doubts about its occurrence or harmfulness. It may be rejected for investigation or intervention by not being covered.

Research shows that practitioners are not trained or educated to routinely inquire about sibling abuse, investigate it, or apply the relevant statutes. Often, sibling abuse is dismissed as less serious than other types of interpersonal violence. Generally, co-occurring family issues (e.g., parent-to-child maltreatment) take precedence in CAN investigations. Even when, as shown in

this bulletin, state CAN definitions could be interpreted as encompassing sibling abuse, this is not usually reflected in practice.

Consequently, there is an urgent need to develop laws and policies that explicitly address all forms of sibling abuse. It is essential that these laws and policies reflect the scientific literature. Until clear, evidence-based policy, guidance, and training exist for responding to sibling abuse, professional responses will remain inconsistent and often inadequate. Reducing rates of sibling abuse will involve changing both policy and attitudes so that sibling abuse is regarded as a form of child maltreatment that requires intervention.

NOTES

¹Weigensberg, E., Islam, N., Knab, J. Grider, M., Page, J., & Larson A. (2022). State Child Abuse and Neglect (SCAN) Policies Database [Data set]. National Data Archive on Child Abuse and Neglect. <https://doi.org/10.34681/rpq4-m848>

²Alabama Department of Human Resources. (2023, September 1). Child abuse/neglect (CA/N) allegations and definitions. <https://dhr.alabama.gov/wp-content/uploads/2023/08/CPS-03-CAN-Allegations-and-Definitions-2.pdf>

³Indiana Department of Child Services. (2022, March 18). Statutory definition of child abuse and/or neglect (CA/N). Chapter 3, Section 8 of *Child Welfare Policy*. <https://www.in.gov/dcs/files/3.08.pdf>

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FOR FURTHER INFORMATION

Caffaro, J. V. (2014). *Sibling abuse trauma: Assessment and intervention strategies for children, families, and adults* (2nd edition). Routledge.

McCoy, K., Sonnen, E., Mii, A. E., Huit, T. Z., Meidlinger, K., Coffey, H. M., May, G., Flood, M. F., & Hansen, D. J. (2022). Helping families following sibling sexual abuse: Opportunities to enhance research and policy responses by addressing practical challenges. *Aggression and Violent Behavior*, 65, 101652. <https://doi.org/10/gr2hnf>

Perkins, N. H., & Barry, J. E. (2020). Should failure to protect laws include physical and emotional sibling violence? *Child & Family Social Work*, 25(1), 206–209. <https://doi.org/10/ggfddv>

Stutey, D., & Clemens, E. V. (2014). Hidden abuse within the home: Recognizing and responding to sibling abuse. *Professional School Counseling*, 18(1), 206–216. <https://doi.org/10/gsb6vr>

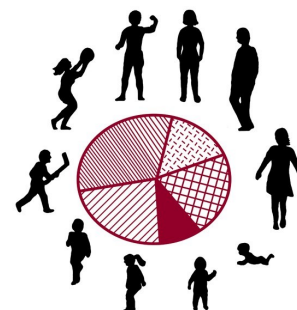
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