



VIRGINIA DEPARTMENT OF SOCIAL SERVICES

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To: Mandated Reporters, and Interested Parties

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Subject: 2004 Virginia *Code* Change – **CORRECTED COPY**

You are receiving this information because you are a mandated reporter of child abuse and neglect. Changes to the *Code of Virginia* are provided as part of a continuing effort to educate mandated reporters on recognizing and reporting suspected child abuse, specifically addressing physical abuse in the latest *Code* change.

Section 63.2-1509 of the *Code* requires mandated reporters to “report the matter immediately” when in their professional capacity they reason to suspect that a child has been abused or is being abused or neglected child. The report may be made to the local department of social services or to the 24-hour Hotline at 1-800-552-7096.

I hope the following information is helpful. Please feel free to share it with other mandated reporters

THE DEFINITION OF PHYSICAL ABUSE

Sections 63.2-100 and 63.2-3.14 of the *Code of Virginia* were amended in July 2004. The new clause is in italics. 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.

The *Code of Virginia* can be accessed at <http://leg1.state.va.us>.

IMPLICATIONS OF THE AMENDED DEFINITION

Essentially, the definition of physical abuse has been altered to clarify that children exposed by their parent or caretaker to the sale or manufacture of certain drugs, such as cocaine or methamphetamines, may be suspected to be abused. Consider these issues when deciding to report:

- **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 methamphetamine 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.**

If in doubt about whether a situation meets the physical abuse definition, or any child abuse or neglect definition, please call your local CPS intake worker at the department of social services or the state Hotline for consultation.