

Less Than 1 Year for Torturing a Child New Study Documents Gaps in State Criminal Codes

Washington DC -A study published in the Journal of Child And Youth Review examines all 50 U.S. state criminal codes and documents a gap in the law for cases of child torture. [1] Child torture is a medical subcategory of child abuse including unique clinical features which require specific assessment, diagnostic, and treatment approaches. [2]

Child torture can include a combination of two or more of the cruel and inhuman treatments, such as:

- intentionally starving the child,
- binding or restraining the child,
- repeatedly physically or sexually abusing the child,
- exposing the child to extreme temperatures without adequate clothing,
- locking the child in closets or other small spaces,
- forcing the child to eat excrement,
- forcing the child to have sexual contact with animals, or
- forcing the child into stress positions or other regimens intended to break the child's will for protracted periods of time, resulting in prolonged suffering permanent disfigurement/dysfunction, or death.

Although children die of child torture, some survive with severe mental injury and no serious physical injury. 14 states require serious physical injury for sentences over a year. 36 states and DC have statutes criminalizing causing severe mental injury for child torture with penalties varying from up to two years in jail to life in prison. However, some of these states also have large loopholes, for example, in VA the perpetrator must have custody of the child for the statute to apply, or in Texas, the child must be under 14 years of age, or Connecticut the perpetrator must have a specific intent to torture. [5] These loopholes can result in perpetrators serving less than 1 year in jail for heinous crimes against children.

Examples:

- [VA, Parents who Caged Children Get No Jail Time](#)
- [WI, Parents who Intentionally Starved Child to 35lbs Get 9 months](#)
- [NY, Parent who zip-tied, duct taped, force-fed hot sauce child while choking, dragged child behind car on a rope received 6 months in jail](#)
- [IL, Parent who locked a child in a closet, and burned genitals with curling iron charges dropped](#)

What NCCASP is doing: The National Center for Child Abuse Statistics and Policy (NCCASP) along with the American Bar Association is spotlighting the injustice caused in cases of child torture by releasing a report card for every state and highlighting policy solutions such as the Michigan Felony Torture Statute. If you would like more information about this topic, please contact Lais Lacher, Director of Communications at 202-573-7364 or email at Lais@nccasp.org